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W. H. Wilson

W. H. Wilson

**HISTORY**  
**OF THE**  
**RECONSTRUCTION MEASURES**

**OF THE**  
**THIRTY-NINTH AND FORTIETH CONGRESSES.**

**1865—68.**

**BY HENRY WILSON.**

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## PREFACE.

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THE sudden collapse of the rebellion in the Spring of 1865, precipitated upon the country the questions of reconstruction, restoration and reconciliation. The President, without consulting Congress, early assumed the task of initiating measures for restoring the rebel States to their practical relations to the Government. On entering upon that work, the President assured hesitating political friends that he was entering upon an experiment; that if it failed, the power to correct errors and mistakes would remain in Congress. The policy inaugurated by the President placed the rebellious States, that were without civil governments when hostilities ceased, completely under the control of the active supporters of the rebellion. Instead of referring the whole matter to Congress, the President assumed that his policy was eminently successful. He resolved to adhere to it, leaving to Congress simply the question of passing upon the qualifications of Senators and Representatives. Congress, believing that the power to initiate proceedings for the restoration of civil governments in the rebellious States was vested in the legislative, not the executive department of the government, and that the results

of the President's policy endangered the rights of the people and the authority of the nation, entered upon a series of legislative measures intended to secure the rights and privileges of the freedmen, protect those who had remained loyal to the Government, preserve order and put those States under the control of men loyal to the country, to liberty and justice. Measures were introduced, discussed, and some of them enacted into laws, to secure the desired ends of restoring the unity of the country and establishing the equality of rights and privileges of citizens of the United States. My purpose in this work has been to narrate with brevity and impartiality this legislation of Congress, and to give the positions, opinions and feelings of the actors in these great measures of legislation. I have endeavored to record with fidelity and fairness these Reconstruction Measures of Congress, and I present this volume to the public in the hope that it will be of some little interest to the readers of the history of these eventful times in our country.

HENRY WILSON.

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# RECONSTRUCTION.

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## CHAPTER I

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THE 38th Congress expired on the 3rd of March, 1865, and the 39th Congress met on the 4th of December. The intervening months had been crowded with great events. The rebel armies had been defeated, and the power of the Rebellion crushed. The Confederate Government had disappeared; its armed forces had been captured, parolled and disbanded; hostilities had ceased and the triumph of the nation was complete. Upheld by thousands of bayonets, its flag waved over the subjugated states, and hundreds of thousands of vet-

erans had returned to their homes, to engage again in the productive pursuits of peace.

The legitimate work of armies had ended, and the crowning work of statesmen had begun. To reconstruct the Union, so as to secure the fruits of victory was no easy task. The enduring interests of the Nation seemed imperatively to demand that the equality of rights and privileges of all citizens, without distinction of race, color or previous condition, should be secured and the ascendancy of loyalty assured. This great work demanded patience, foresight and the highest qualities of statesmanship.

Had the President, Congress and the loyal people acted in complete harmony, the temper of the people of the rebel states, and the disordered condition of these states, together with the emancipation of more than three million slaves, and the losses, poverty and suffering of the masses, would have made the work of a reconstruction, which should bring peace, order, law and security, one of great delicacy and difficulty. But the task of reconstruction had been complicated by the President; he had early entered upon what he called an experiment, but he soon came to regard that experiment as a governmental policy. The Republicans deemed the experiment premature, and the policy wholly inadequate to meet the wants of the country. That policy had resulted, as the leading Republicans warned the President it would result,

in the complete ascendancy of the rebels. On the day the 39th Congress assembled, the rebel states had passed or were passing into the control of men who had engaged in the Rebellion, and who regretted nothing but the losses and the failure of their cause. In their legislation and administration, they evinced a determined purpose to keep the men who had been loyal to their country during the Rebellion, from any participation in their affairs, and to continue the freedmen under disabilities. The manifest determination of the President to adhere to his policy, although it was apparently condemned by the masses of the party which had elected him, encouraged a spirit of defiance in the rebel states, that often displayed itself in insult to loyal men, and in cruel and oppressive acts towards the freedmen.

In the House of Representatives, on the first day of the session, Mr. Stevens of Penn. asked consent to introduce a joint resolution; it provided that "a joint committee of fifteen members shall be appointed, nine of whom shall be members of the House, and six, members of the Senate, who shall inquire into the condition of the States which formed the so-called confederate States of America, and report whether they, or any of them, are entitled to be represented in either House of Congress, with leave to report at any time by bill or otherwise; and until such report shall have been made, and finally acted upon by Congress, no member shall be

received into either House from any of the said so-called confederate States; and all papers relating to the representation of the said States, shall be referred to the said committee without debate." Mr. Eldridge of Wisconsin objecting, Mr. Stevens moved a suspension of the rules, and they were suspended by 129 Yeas to 35 Nays. Mr. Dawson of Penn. then moved that the Resolution be laid upon the table, but the motion was rejected, Yeas 31, Nays 133; and the resolution was passed, Yeas 133, Nays 36.

This resolution for the appointment of a joint special Committee on reconstruction, was considered in a caucus of the Republican Senators, and after a debate in which several Senators participated, certain amendments were agreed to and Mr. Anthony of Rhode Island, chairman of the caucus, was directed to move those amendments in the Senate. On the 12th the resolution was taken up, and on motion of Mr. Anthony, the enacting clause was amended so as to make it a concurrent, instead of a joint Resolution. Mr. Anthony, then moved to amend the Resolution, by striking out so much of it, as provided that, until the Committee should make their final report, and it should be acted on by Congress, no member should be received in either House from any of the rebel states, and that all papers relating to the representation of those states, should be referred to the committee without debate. Mr. Howard of Michigan, could not vote for

the amendment. "I think," he said, "that under present circumstances it is due to the country that we should give them the assurance, such as the House of Representatives has given in the resolution they have sent to us, that we will not thus hastily readmit to seats in the legislative bodies here, the representatives of constituencies, who are still hostile to the authority of the United States, and unwilling to co-operate with us in our legislation. I think, sir, that such constituencies are not entitled to be represented here." Mr. Anthony supposing the amendment would not provoke opposition, had foreborne to state the reasons for making it; he agreed with Mr. Howard that it was eminently desirable that both Houses should act in concert in all measures for reconstruction, and that all branches of the Government should approach the question with a comprehensive patriotism, and all persons in every branch of the Government should be ready to concede something of their own views, in order to meet the views of those, who were equally charged with the responsibility of public affairs. The words proposed to be stricken out referred to the joint committee of the two Houses, matters, which the Constitution confided to each House separately. "In the watches of this Chamber," said Mr. Anthony, "I have often wished that some divine power would temper the strength of lungs in the speaker, to the endurance of the ears of the hearers; but the opinion of the Senate on

that point has been too often, and too decidedly, expressed, to leave any doubt of its policy ; therefore, I thought it was best that that portion of the resolution should be stricken out. The purpose of all that is stricken out, can be effected by the separate action of the two Houses, if they shall so elect. The House of Representatives having passed this resolution by a great vote, will undoubtedly adopt, in a separate resolution what is here stricken out ; and except so far as relates to the credentials of Senators, and so far as relates to the restriction upon debate, I shall, if this amendment be adopted and the resolution passed, offer a resolution substantially declaring it to be the opinion of the Senate that, until this committee reports, presuming it will report in a reasonable time, no action should be taken upon the representation of the States lately in rebellion."

Mr. Doolittle of Wisconsin, thought all questions concerning reconstruction, and the restoration of civil government in the Southern States, ought to be referred to the Committee on the Judiciary. He maintained, that the Senate could not give a Committee beyond its control, the question of representation without a loss of its self respect, dignity and independence ; without an abandonment of its constitutional duty and a surrender of its constitutional power. The Senate was to be led like a lamb to the slaughter, bound hand and foot, shorn of its constitutional power and gagged dumb. "The



Senator for Michigan," said Mr. Doolittle, "talks about the *status* of these States. He may very properly raise the question, whether they have any Legislatures that are capable of electing Senators to this body. That is a question of fact, to be considered ; but as to whether they are States, and States still within the Union, notwithstanding their civil form of government has been overturned by the rebellion and their Legislatures have been disorganized—that they are still States in this Union is the most sacred truth, and the dearest truth, to every American heart, and it will be maintained by the American people against all opposition, come from what quarter it may. Sir, the flag that now floats on the top of this Capitol bears thirty-six stars. Every star represents a State in this Union. I ask the Senator from Michigan, does that flag, as it floats there, speak the nation's truth to our people and to the world, or is it a hypocritical, flaunting lie? That flag has been borne at the head of our conquering legions through the whole South, planted at Vicksburg, planted at Columbia, Savannah, Charleston, Sumter; the same old flag which came down before the rebellion at Sumter was raised up again, and it still bore the same glorious stars; 'not a star obscured,' not one."

Mr. Fessenden of Maine, was sorry the debate had sprung up; he thought it out of place in regard to the manner in which it had been conducted, but some things foreign to the question had

been introduced which ought not to pass without a little comment. He said when this resolution "was first promulgated in the newspapers as having been agreed upon, I approved it because I sympathized with its object and purpose. I did not examine it particularly; but, looking simply at what it was designed for, it met my approbation simply for this reason: that this question of readmission, if you please to call it so, of these confederate States, so called, and all the questions connected with that subject, I conceived to be of infinite importance, requiring calm and serious consideration, and I believed that the appointment of a committee, carefully selected by the two Houses, to take that subject into consideration, was not only wise in itself, but an imperative duty resting upon the representatives of the people in the two branches of Congress. For myself, I was not prepared to act upon that question at once. I am not one of those who pin their faith upon anybody, however eminent in position, or conceive themselves obliged, on a question of great national importance, to follow out anybody's opinions simply because he is in a position to make those opinions, perhaps, somewhat more imperative than any other citizen of the Republic. Talk about the Administration! Sir, we are a part of the Administration, and a very important part of it. I have no idea of abandoning the prerogatives, the rights, and the duties of my position in favor of anybody, however that person or any num-

ber of persons may desire it. In saying this, I am not about to express an opinion upon the subject any further than I have expressed it, and that is, that in questions of such infinite importance as this, involving the integrity and welfare of the Republic in all future time, we are solemnly bound, and our constituents will demand of us, that we examine them with care and fidelity, and act on our own convictions, and not upon the convictions of others."

After reading the resolution carefully, Mr. Fessenden came to the conclusion that it went too far, and he was in favor of amending it as proposed by Mr. Anthony. He did not agree with the doctrine and he entered his dissent to it, that because a certain line of policy had been pursued by one branch of the Government, therefore for that reason alone, it was to be tried by the other branch. Mr. Anthony's amendment was agreed to.

Mr. Cowan of Penn, moved to amend the bill so that there should be six members on the part of the House instead of nine; but the amendment was rejected; Yeas 14, Nays 29. The resolution was briefly opposed by Mr. Saulsbury of Delaware, and Mr. Hendricks of Indiana, and advocated by Mr. Trumbull of Illinois.

Mr. Dixon of Connecticut, moved to amend the resolution by providing that it should not be so construed as to limit, restrict or impair the right of each House to judge of the elections of its own members. Mr. Guthrie of Kentucky saw no neces-

sity for a committee,—it could give no information which was not in possession of the Senate. “I know,” said Mr. Guthrie, “it has been said that the President had no authority to do these things. I read the Constitution and the laws of this country differently. He is to ‘take care that the laws be faithfully executed;’ he is to suppress insurrection and rebellion. The power is put in his hands, and I do not see why, when he marches into a rebel State, he has not authority to put down a rebel government and put up a government that is friendly to the United States, and in accordance with it; I do not see why he cannot do that while the war goes on, and I do not see why he may not do it after the war is over. The people in those States lie at the mercy of the nation. I see no usurpation in what he has done, and if the work is well done, I, for one, am ready to accept it.” Mr. Dixon’s amendment was then rejected, Yeas 12, Nays 31. The question was then taken on the adoption of the resolution as amended, and it was passed, Yeas 33, Nays 11.

The House, on the 13th, on motion of Mr. Stevens, concurred in the amendment of the Senate, so the Resolution provided that a joint committee of fifteen members should be appointed, nine of whom should be members of the House and six members of the Senate, who should inquire into the condition of the States which formed the so-called confederate States of America, and report

whether they, or any of them, were entitled to be represented in either House of Congress, with leave to report at any time by bill or otherwise.

On motion of Mr. Anthony, the President pro tem of the Senate was authorized to appoint the Committee, and Mr. Foster appointed Mr. Fessenden of Maine, Mr. Howard of Michigan, Mr. Grimes of Iowa, Mr. Harris of New York, Mr. Williams of Oregon, and Mr. Johnson of Maryland, members of the Committee on the part of the Senate, and Speaker Colfax appointed Messrs. Thaddeus Stevens of Penn., Elihu B. Washburne of Illinois, Justin S. Morrill of Vermont, Henry Grider of Kentucky, John A. Bingham of Ohio, Roscoe Conkling of New York, George S. Boutwell of Massachusetts, Henry T. Blow of Missouri, and Andrew J. Rogers of New Jersey, members of the Committee on the part of the House. This joint special Committee, made up as it was of men of talent, experience and character, was calculated to command in advance the confidence of Congress and of the loyal people of the country.

On the 14th, the House on motion of Mr. Wilson of Iowa, adopted by 107 Yeas to 56 Nays, a resolution that all papers which may be offered relative to the representation of the late so-called confederate States of America, or either of them, shall be referred to the joint committee of fifteen without debate, and no members shall be admitted from either of said so-called States until Congress shall

declare such States or either of them entitled to representation.

In the Senate on the 19th, Mr. Anthony submitted a resolution providing "that until otherwise ordered, all papers presented to the Senate, relating to the condition and title to representation of the so-called confederate States, shall be referred to the joint committee upon that subject;" but Mr. Cowan objecting, it was not considered at that time.

In the Senate, on the 10th of January 1866, Mr. Howe of Wisconsin introduced a joint resolution setting forth that the people of the rebel States had abjured duties, had waged war, whereby the political functions granted to them had been suspended, that such functions could not be restored with safety to the nation, and that military tribunals were not suited to the exercise of civil authority, and therefore the local governments ought to be provisionally organized. Mr. Howe then addressed the Senate in a speech of rare logic, power and beauty, in vindication of the doctrines embodied in his preamble and resolution. Mr. Howe commenced his elaborate speech by saying, "When Paul stood there 'in the midst of Mars Hill,' a needy, perhaps a ragged missionary, and told the indolent, idolatrous and luxurious Athenians that God had 'made of one blood all nations of men, to dwell on the face of the earth,' do you believe he was playing the demagogue or not? When the Congress

of 1776 assembled in Independence Hall, representing a constituency few in numbers, poor in resources, strong only in their convictions of right, and announced to the world that 'all men are created equal; that they are endowed by their Creator with certain inalienable rights; that among these are life, liberty, and the pursuit of happiness; that to secure these rights governments are instituted among men;' and when the members of that Congress pledged their 'lives, their fortunes, and their sacred honor' to maintain those assertions against the whole power of the British empire, do you really suppose they were talking for bunkum or not? And when the American people declared in their organic law that—

'This Constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every State shall be bound thereby, anything in the constitution or laws of any State to the contrary notwithstanding'—

do you think they actually meant that, or did they mean that the constitution and laws of each State should be the supreme law of the land, anything in the Constitution or laws of the United States to the contrary notwithstanding?

I have put these questions, because however generally we may assent to these propositions in

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our speech, there are scarcely three theses in the whole field of discussion more flatly denied practically than these three.

We do very generally admit Paul to have been a minister of the true religion, and yet if he had proclaimed in the Smithsonian Institute six years ago what he did in the Areopagus at Athens, he would have been driven out of the city.

We do with our lips very generally assent to the doctrines of the Declaration of Independence, and yet when the American *auto-da-fe* kindles its hottest fires it is to roast some reckless radical who dares to assert the political equality of men.

We cannot well deny that the Constitution is the supreme law of the land, because the Constitution says so, and we have sworn to support it; but practically we do seem to treat it much as if every law was supreme but that.

I cannot now afford the time to defend the teachings of the apostle or the doctrines of the Declaration. But if it will not annoy the Senate, I would like to make a few remarks in vindication of the Constitution of the United States.

In my judgment, Mr. President, it is time the American people adopted the Constitution. We have, indeed, been taking the tincture for nearly a century. I am sure it has done us great good. I believe now we should try the sublimate, and I am confident it would cure the nation. Hitherto we have taken the Constitution in a solution of the



spirit of State rights. Let us now take it as it is, sublimed and crystalized, in the flames of the most gigantic war of history." Mr. Howe said it had been declared that the nation had fought this gigantic war, not to make rebels obey the United States, but to make them govern their own states; there were but two parties then, one endeavoring to awe the Government with professions of defiance, and the other to cheat it with professions of friendship. "I therefore conclude," said Mr. Howe, "that upon every consideration, both of national honor, of national safety, and of local interest, Congress ought not yet to restore the suspended functions of those rebelling States.

But it is said, such is the policy of the President, and my colleague exhorts us in vehement terms to "stand by the President and to uphold his hand." Why, sir, I desire to say to my colleague, and to the President, if he will listen, that we will stand by him if he will stand by the United States. I desire to remind my colleague, and the President, if he will listen, that we have stood by him because he did stand by the United States.

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And let who will come and tell me the President would surrender one of the choicest prerogatives of the national supremacy, and would surrender the protection of its freedmen, its heroic soldiers, and its faithful friends to their direst enemies, I will believe no tongue but the President's. Whatever

may be thought of what he has already done, it should be remembered he has not acted in defiance of congressional direction, but in want of it—a want which I have often urged the Senate to attempt to supply.

Besides, sir, if I knew that the President differed from the views I have here advanced, I cannot forget it was Wisconsin that placed me here and not the President.

Mr. Howe closed by saying, "I know of nothing in the life of Christ more touching, or, if you think of it, more terrible, than that scene narrated by His first biographer when, standing in the temple and contemplating the great destruction that was soon to overtake the city, He exclaimed :

'O Jerusalem, Jerusalem, thou that killest the prophets, and stonest them which are sent unto thee, how often would I have gathered thy children together, even as a hen gathereth her chickens under her wings, and ye would not!

'Behold, your house is left unto you desolate.'

And when I remember how the Almighty has held us by the hand during the late deadly struggle, how He has led us more visibly than He ever did any other people since He guided the Isarelites out of Egypt; how we in these very days have seen Him again part the Red sea that this nation might walk through dry; and when I contemplate the possibility that we may refuse after all to cross the river of prejudice that lies before us, that we may

not be able even now to cast off the idea that 'they are all giants' on the other side, that we may not after all dare to be sensible, that we may leave those who have been sent to us to be stoned by their enemies, I sometimes think I hear the same Jesus bending from the great white throne, where He sitteth evermore by the side of the Father, and exclaiming with the same infinite tenderness, O America, America, how often would I have gathered thy children together, even as a hen gathereth her chickens under her wings, and ye would not; henceforth *your* house is left unto you desolate.

I move that this resolution, if there is no occasion for its further consideration at present, be referred to the joint committee on reconstruction."

On the 11th the debate on Mr. Howe's resolution was resumed by Mr. Johnson of Maryland; he combatted the doctrines embodied in the resolution, and replied to Mr. Howe's speech with great clearness and force. He maintained that the power actually given to Congress, "was a power to preserve, not to destroy; a power to maintain, not to extinguish; a power to make the Government what the preamble to the Constitution states to be the purpose of its framers, perpetual; a Government for the security of liberty for themselves and their posterity forever. It would have been an extraordinary anomaly, one that would justly have deprived its authors of the reputation that they now hold in the eyes of the civilized world, if, in form-

ing a Government they designed to be perpetual, they had given it a power to destroy itself. The purpose, then, of the war power, strictly speaking, and of the police power conferred upon Congress by that clause in the eighth section of the first article, was to preserve, and not to destroy; to preserve it if assailed by a foreign foe; to preserve it if assailed by domestic treason or violence.

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The States ceased to exist by virtue of the conduct of their own citizens, is the argument. What conduct, and when had it that effect? They passed ordinances of secession. Were these valid? Had they any legal operation whatever? Did they take the States whose people had passed such ordinances out of the Union? Did they dissolve the connection to any extent which existed as between those States and the Union by force of the Constitution? If they did, it can only be because the ordinances were valid. The States are out, says the honorable Senator from Wisconsin, because their people determined that they should go out; they are out, because they were so far disloyal as to declare by ordinance that they were out; they are out because they are still disloyal, although the insurrection has been in fact suppressed and the authority of the Government reinstated. Well, if they are, why is that the result? If the ordinances were void, they could not take them out. If the citizens had not a right to be disloyal their dis-

loyalty could not put them out. If, notwithstanding the ordinances, on the day after they were passed the States were as much in the Union as on the day before they were passed, and if, after the ordinances were adopted and hostilities were being carried on, their citizens had no more right to be disloyal than they had before hostilities commenced, then they are just as much in the Union now as they were before.

Will any member of the Senate seriously maintain, or maintain at all, that the ordinance of secession had any validity whatever? If any member does so hold, the war upon our part has been a great crime; we have been traitors to the obligations we are under to the Constitution, and not those who, exercising the right of secession, have separated themselves from us. But if, as we all hold, and now everybody thinks, the Constitution confers no right of separation, but imposes an obligation upon every citizen in every State, no matter what may be his conduct or the conduct of all his fellow-citizens, as absolute as it does upon every citizen in any other State, then the ordinances of secession were simply void, absolutely void, having no more effect to terminate the connection between those States and the people of those States and the Government of the Union, than if such ordinances had been passed by any people outside of the limits of the United States."

On the 17th the debate was resumed by Mr.

Doolittle of Wisconsin. He commenced by asking "how many States constitute the great Republic which the world calls the United States of America? The President and they who think with him say thirty-six. The Senator from Massachusetts, (Mr. Sumner,) and my colleague say twenty-five. Where are the eleven?" Mr. Doolittle then proceeded at great length in an elaborate argument to show that "the whole purpose of the rebellion was to transfer the allegiance of those States from the Federal Union to the confederation of the South. Our whole purpose was to prevent that, and save those States in the Union, and compel them and their people to acknowledge their allegiance to it.

We struggled to save the States in a more perfect Union under our Constitution.

They struggled to save the States with greater rights and powers in the confederation.

Upon this the war was made by them, and upon that issue it went on until the end.

Neither party belligerent sought to destroy, but to save the States."

Mr. Doolittle closed by saying: "We did prevent the separation of these States from the Union by force. Every law of Congress, every act of the President, every blow we struck, every shot we fired, every drop of blood we shed, was not to thrust these States out, nor to open a way for them to go out, nor to reduce them to Territories, but to keep them as States in the Union, and compel them to

remain in the Union under the Constitution. The flag of our country bears thirty-six stars, as the emblem of a Union of thirty-six States. Wherever it floats, over this Capitol, at the head of our armies, in the storm of battle, and in the hour of victory, over the sea as well as over the land, that sacred ensign, which, next to the God of heaven, we love and reverence as representing the good, the great, and the true, everywhere bears thirty-six stars, and thereby proclaims to the world the great, fundamental, national truth, there are thirty-six States in the Union, under the Constitution. Thirty-six States constitute that great Republic which the world calls the United States of America. Upon 'that line' and under that flag we began the great campaign; upon that line and under that flag half a million of our sons and fathers and brothers have laid down their lives; upon that line and under that flag we fought it out to victory, and now, God helping me, I will continue to fight it out on that line and under that flag to the end, whoever else may abandon it."

Mr. Nesmith of Oregon resumed the debate on the 18th, in vindication of the President's Policy. He maintained that the President, as Commander-in-Chief of the Army, had put down what Mr. Lincoln had left of the Rebellion, and had done it skillfully and well. He said there were Rebel State governments, throughout the so-called confederate States. "These have been subverted, utterly re-

moved from the face of the earth. Regarded as revolutionary and illegal in character, they were made to give way before the power of the United States, until not a vestige of them is now left. All those hostile organizations are defunct. They are dead, and will know no resurrection. The President, believing them to be wholly invalid in point of law, and criminal in purpose, refused them the slightest recognition, and has wiped them out effectually and finally."

Mr. Nesmith opposed negro suffrage, and avowed his belief that the Government of the United States was the white man's government. "Notwithstanding" he said, "the denunciations which have been hurled against the sentiment, I still believe that this is a white man's Government, framed by white men, and for white men; instituted by their wisdom and defended by their valor. In saying this, I do not mean to be understood as asserting that the Negroes, the Indians, or any other inferior races should be excluded from the natural rights of life, liberty, and the pursuit of happiness; but I do mean to say that the hardy, persevering, industrious, brave, and intelligent Anglo-Saxon race and their descendants, who brought civilization and the arts into the New World, and who have organized, defended, and perpetuated free government here, are not to be overriden and have a governmental policy dictated to them by any semi-barbarous inferiors, who have



never evinced the intelligence here, nor in their own country, necessary to better their own condition; who have never had inventive genius to improve upon the rudeness of the most barbarous life; who have never had the courage to assert and maintain a respectable Government anywhere.

A stroke of the pen and sword combined has stricken the fetters from the limbs of the slave, but has left him, in point of intelligence, but little the superior of the brute creation or the inanimate objects by which he is surrounded. The stroke of neither the pen nor sword can relieve the emancipated slave of his servile instincts and fit him at once for the judicious exercise of the right of suffrage. He is as ignorant and passive to-day as he was before a drop of the white man's blood was shed to secure his emancipation, and he will be no better to-morrow. By forcibly thrusting upon him the right of suffrage, of which he has no adequate comprehension, you either leave him the dupe of his old master, to be voted at his will, or force him into an unequal contest with your own race, who, since any thing has been known of them, have either enslaved or exterminated every other race with which they have come in contact."

Mr. Wade of Ohio followed in reply to the speech of Mr. Doolittle, made the day previous. He said, "In the counsels I have given, and the measures that I have advocated in the Senate, I have ever had one polar star to guide my action,

and to that I adhere whether I am in the majority or the minority, and I never intend to be tempted from it one single inch. I fix my eye upon the great principle of eternal justice, and it has borne me triumphantly through all difficulties in my legislative career since I have had a seat here. I say triumphantly, for, sir, I have stood upon this floor when I had not ten men to support me against the entire Senate, and when the principles that I advocated were infinitely more unpopular here than those that I announce to-day. How were the whole Senate startled at the idea of universal emancipation fifteen years ago, ten years ago; yes, sir, five years ago! Talk not to me about unpopular doctrines, and endeavor not to intimidate me by the intimation that I shall be found in a minority among the people! I know them better. I think I know that I tread in the great path of rectitude and right, and I care not who opposes me. God Almighty is my guide; He, going before to strengthen my hand, has never failed me yet, and I do not fear that He will do so on this occasion."

To Senators Mr. Wade said, "Look to yourselves, take counsel of your own judgment and conscience, of your duty to God and your country, and look less abroad and less to great men, because if there were ever a question before you that was peculiarly your own it is this.

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I stand by my friends; I stand by my pledges.

The colored population of this country, four millions in number, are not to be ignored by the speeches of gentlemen nor the votes of this Senate. If you could do so, you would create another oligarchy; for when you cut off from the right to participate in a free Government four millions of its people, more than one third of the entire population of the seceded States, when you cut them off from this great democratic right, you fix a stigma upon them that cannot be wiped out; it will have a bearing infinitely beyond the influence in the Government that their votes will confer; you will have trampled them under foot forever with the mark of Cain upon them; and that will be your return for their brave and able defense of your institutions in time of peril. Sir, I will stand by them forever. As I have already said, my manhood, my honor, my sense of justice, and my policy as a member of a free Government all conduce to the same end, to make me stand firmly and forever by the rights of these four million people. So far as my voice can go they shall stand upon the same basis that I myself stand on. I despise, with a contempt that I cannot name, the man who will contend for rights for himself that he will not award to every body else. What I claim for myself or my children, politically, I will award to every member of this Government, and with more scrupulous guardianship to him

who is weak and uninfluential than to him who is powerful and able to defend himself."

On the 26th, Mr. Howe resumed the debate on his resolution and replied at great length to Mr. Johnson and Mr. Doolittle. He said, "All my life I have known, as other Senators about me know, that there has been deposited away down at the bottom of American society a great mass of unasorted humanity which has not had a fair chance in American society, has not had a fair chance in the world. Now, if Government be an estate enjoyed by those who possess its prerogatives, perhaps they are entirely right in ignoring this mass of humanity; if it be a trust to be employed for the benefit of the governed rather than the governors, there is no portion of American society which, in my judgment, commends itself to honest government so heartily, so cordially, so emphatically as the very class to which I refer; and I think they come before us at this time with peculiar claims because of the circumstances in which the country rests to day.

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I have thought that it belonged to republican institutions to carry out, to execute the doctrines of the Declaration of Independence, to make men equal. That they are not equal in social estimation, that they are not equal in mental culture, that they are not equal in physical stature, I know very well; but I have thought the weaker they were

the more the Government was bound to foster and protect them. If Government be designed for the protection of the weak, certainly the weaker men are the more they need its protection. I know that a great portion of these people on whose behalf I speak are uneducated and ignorant. I have supposed it was within the purpose of republican institutions, and entirely within the power of republican institutions, to give culture and education to them all. I supposed it ought to be done. I was a little startled the other day on hearing the Senator from Pennsylvania, Mr. Cowan, start an objection to this. He told us with a good deal of emphasis that it would not do to have every man as learned and as cultivated as the Senator from Massachusetts. What will you do for boot-blacks? says the Senator from Pennsylvania. What will you do for men to perform your menial offices? The inquiry had not occurred to me. It did startle me. It is rather a solemn warning. It did awaken me from the dream in which I had indulged for a great many years. It ought to be attended to. You who think men, American citizens, ought to be made equal, take care that you do not destroy the profession of boot-black. You that think that in the course of coming generations all men are to be brought up and placed upon a plane of political equality, listen to the solemn admonition of the Senator from Pennsylvania, who sends his warning down the line of these com-

ing generations and charges you to be careful, be careful how you enlarge your universities; you had better shut up your academies, your school-houses; if you do not take care you will have nobody to black your boots!

Well, this is a serious matter; it commends itself to you gentlemen who have your names fairly writ on the conservative list; you must take heed to it. As for myself, I am washed out of that fraternity. Ever since I have taken any part in political affairs, I have been so firmly and so fully wedded to the idea that it was the work of the law, as of the gospel, to bring all men up to their utmost capacity, that I am bound to prosecute that labor myself. I must go along in that path. I am hopelessly committed to it. I must follow it out, even if my boots go unblacked.

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I do not hold that the men who made this war and fought in it against the Government of the United States are any worse than the men who in our own communities at home have kept out of both our armies and theirs, but who have given all their prayers and all their encouragement and all their sympathies to the men who have been fighting against us. Their purpose was the same. One was just as disloyal to the Government of the nation as the other. One was a little bolder than the other; that is the only difference.

I put it to you, which of all those miscreants who went out to capture Jesus do you think was really the most criminal? Were they who went out with swords and staves in their hands, avowing their purpose and clamoring for the life of the Saviour, or was it that sneaking fellow who went out in the garb of a friend and undertook to betray the Saviour of the world with a kiss? I say it was not the servants of the high priest, but it was Judas himself. And among all those men who have sought to betray the authority of the nation, I say those are the guiltiest who have not avowed their purpose, but have gone as directly and as persistently toward it under the cover of false pretensions of loyalty."

Mr. Howe was followed by Mr. Stewart of Nevada, in a brief speech; he thought it was the duty of the President to see that the laws were enforced, and he would build up without tearing down the organizations the President had reared. When a loyal man who had been tried in the fire of war was elected to the Senate he would admit him. Mr. Howe desired to have his resolution referred to the joint special Committee on Reconstruction, but Mr. McDougal of California objecting, it went over and was not again considered.

## CHAPTER II.

### RECONSTRUCTION.—PRESIDENT'S MESSAGE.

Mr. Stevens' motion agreed to.—Debate on Reconstruction.—Speech of Mr. Stevens.—Mr. Finck's Speech.—Mr. Raymond.—Mr. Bingham. Speech of Mr. Spaulding.—Speech of Mr. Latham.—Mr. Blaine.—Mr. Shellabarger's Speech.—Mr. Voorhees' Resolution.—Speech of Mr. Voorhees.—Mr. Bingham's Speech.—Motion to amend.—Referred.—Speech of Mr. Deming.—Mr. Smith.—Mr. Baker's Speech.—Mr. Broomall's Speech. Mr. Hubbell's Speech.—Mr. Randall.—Mr. Lawrence.—Mr. Stillwell.—Mr. Welker.—Mr. Henderson.—Mr. Kelso.—Speech of Mr. Ward.—Speech of Mr. Newell.—Remarks of Mr. Strouse.—Mr. Defrees.—Mr. Cook.—Resolutions of Mr. Broomall.—Mr. Cullom's Speech.—Mr. Clarke's Speech.—Mr. Plantz's Speech.—Mr. Beaman's Speech.—Mr. Bromwell's Speech.—Mr. Mc Kee's Speech.—Mr. Thornton's Speech. Remarks of Mr. Kuykendall, and Mr. Finck.—Mr. Orth.—Speech of Mr. Stevens.

IN the House of Representatives on the 18th of December, Mr. Stevens of Pennsylvania, moved that so much of the President's message as related to the Reconstruction of the Rebel States be referred to the Joint Special Committee on Reconstruction; and the motion was agreed to. The House then commenced a debate on Reconstruction, the President's message being under consideration, which continued at times during several months.

The debate was opened by Mr. Stevens on the power and proper principles of Reconstruction. He declared that it mattered little whether the rebel States were out of the Union or only dead



States in the Union; they were incapable of representation without the action of the Government of the United States. "Dead States," he said, cannot restore their own existence as it was. "Whose especial duty is it to do it? In whom does the Constitution place the power? Not in the judicial branch of Government, for it only adjudicates and does not prescribe laws. Not in the Executive, for he only executes and cannot make laws. Not in the Commander in Chief of the Army, for he can only hold them under military rule until the sovereign legislative power of the conqueror shall give them law." Mr. Stevens then said—"this doctrine of a white man's Government is as atrocious as that infamous sentiment that damned the late Chief Justice to everlasting fame; and I fear to everlasting fire."

On the 21st, the House resumed the consideration of the President's message, and Mr. Finck of Ohio spoke in condemnation of the policy of extending suffrage by the action of Congress, in the rebel States, denounced centralization and consolidation, and deplored the ideas, policy and influence of New England. Mr. Raymond of New York, replied to Mr. Stevens, and denied that the rebel States were either out of the Union or dead States within the Union. He expressed the hope and belief that they had returned in all sincerity and good faith to join in promoting the prosperity of the country, in defending the banner of its

glory and in fighting the battles of Democratic freedom. Mr. Bingham of Ohio, and Mr. Jenckes of Rhode Island briefly replied to Mr. Raymond.

On the 5th of January, Mr. Spalding of Ohio resumed the debate. He said, "The people of eleven States had formally absolved themselves from all allegiance to the Government of the United States, and had made use of all their material resources to effect its full and final overthrow. They had marshaled mighty armies in the field. They had sent armed ships to prey upon the commerce of the country in distant seas. They had sent their emissaries, with torches, to burn the dwellings of loyal citizens, and with the seeds of pestilence to destroy their lives. They had resorted to starvation to thin the ranks of captive soldiers. In fine, they had used every means, practiced by civilized or barbarous nations, to break down and destroy the constitutional Government of the United States, and were only prevented from accomplishing their work by the heroic endurance and patriotic valor of our citizen soldiers. They had refused terms of pacification unless accompanied by what they claimed as a *sine qua non*—the acknowledged independence of the southern confederacy.

At length their armies were discomfited in the field and compelled to surrender. Their chief executive was captured and thrown into prison; and their 'confederacy' was dissipated 'like the

baseless fabric of a vision.' The fragmentary population of eleven revolted States, acknowledging their defeat in the ordeal of battle, but showing no signs of regret for their gigantic treason against the best rights of man, now unblushingly claim an immediate restoration to a full participation in the councils of the Republic."

Mr. Spalding maintained that Congress had power to impose conditions, and he was for conditions that should secure the rights and interests of the nation. "Let these guaranties be given to loyalty," he said, "and I will try to forgive,—I can never forget,—the injuries received by my country from TRAITORS."

Mr. Latham of West Virginia resumed the debate on the 8th. He maintained that those who accorded to the ordinances of secession an importance so vital were not one whit less disunionists in theory and principle than those who adopted them. He said, "We are seriously told upon the floor of this House, by those claiming to be *par excellence*, the friends of the Union, that these States are out of the Union! Look, sir, and count the stars and stripes upon that flag. Does this House indorse a flaunting lie in its presence every day, hour, and minute of its sitting? Why floats in the breeze that banner untorn from the top of this Hall, attracting the gaze of admiring multitudes for miles around, if eleven of the States represented thereon have ceased to be States, and are

no longer members of this Union? Is it to deceive foreign nations through their representatives at your Government? Go, sir, and ask the honest tar in your navy-yard, or upon the wide ocean, or in a foreign port, if the flag floating from his mast-head flaunts a lie—is a deception and a cheat! Ask the returning veteran, scarred and maimed, who risked his life and shed his blood to save and perpetuate the Union, if ‘the war has been a failure,’ and if the flag he bears so proudly homeward is all that is saved from the wreck of his dismembered country.”

Mr. Blaine of Maine expressed his desire to so amend the Constitution as to exclude from the basis of Representation those persons, who were denied civil rights and privileges on account of race or color. Mr. Shellabarger of Ohio made a very able speech in reply to Mr. Raymond. In response to a question of Mr. Deming of Connecticut he said, “Does the gentleman yet ask for ‘the specific act’ that deprived these States of all the rights of States, and made them ‘enemies?’ I once more answer him in the words of the Supreme Court that the specific acts were, they causelessly waged against their own Government a ‘war which all the world acknowledge to have been the greatest civil war known in the history of the human race.’ That war was waged by these people ‘as States,’ and it went through long dreary years. In it they threw off and defied the authority of your

Constitution, laws, and Government; they obliterated from their State Constitutions and laws every vestige of recognition of your Government; they discarded all official oaths, and took in their places oaths to support your enemy's government. They seized, in their States, all the nation's property; their Senators and Representatives in your Congress insulted, bantered, defied, and then left you; they expelled from their land or assassinated every inhabitant of known loyalty; they betrayed and surrendered your armies; they passed sequestration and other acts in flagitious violation of the law of nations, making every citizen of the United States an alien enemy, and placing in the treasury of their rebellion all money and property due such citizens. They framed iniquity and universal murder into law. They beseiged, for years, your capital, and sent your bleeding armies, in rout, back here upon the very sanctuaries of your national power. Their pirates burned your unarmed commerce upon every sea. They carved the bones of your unburied heroes into ornaments, and drank from goblets made out of their skulls. They poisoned your fountains, put mines under your soldiers' prisons; organized bands whose leaders were concealed in your homes, and whose commissions ordered the torch and yellow fever to be carried to your cities, and to your women and children. They planned one universal bonfire of the North from Lake Ontario to the Missouri. They mur-

dered by systems of starvation and exposure sixty thousand of your sons, as brave and heroic as ever martyrs were. They destroyed in the five years of horrid war another army so large that it would reach almost around the globe in marching columns; and then to give to the infernal drama a fitting close, and to concentrate into one crime all that is criminal in crime, and all that is detestable in barbarism, they killed the President of the United States.

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Let the revolted States base their republican State governments upon a general and sincere loyalty of the people and come to us under the guarantees of this renewed Union, and we hail their coming and the hour that brings them.

If you ask again, 'Suppose such general loyalty should never reappear, shall they be dependencies forever?'

Sir, convince me that the case is supposable, then with deepest sorrow I answer—FOREVER!"

On the 9th, Mr. Voorhees of Indiana introduced a series of resolutions and addressed the House on reconstruction in an elaborate and carefully prepared speech. He commended the policy of the President and bitterly and defiantly denounced the action of Congress. "The cry is now," he said, "that we must look to Congress for our policy of restoration. This place has suddenly become a citidel of wisdom, power and dominion.

It is a city of refuge, where all the disappointed spoliators, insane anarchists, bloody Jacobins, promoters of vengeance, disturbers of the peace, self-constituted saints who imagine themselves in partnership with the Almighty to assist Him in punishing the sins of the world, where law-breakers and revolutionists of every shade and color now flee to escape from the wise, successful, and constitutional policy of the President. 'To your tents, O Israel!' was the ancient and legitimate cry of alarm. Look to Congress, look to Congress!' now rings out on the air as a call to battle in behalf of chaos, disorder, and interminable woes. The populace of France, tossed in a tumultuous delirium of hate, drunken with blood, dethroning Deity and reverencing a harlot, shouted, 'Look to the Assembly, look to the Assembly!' where the Mountain murdered the Girondists, and where Robespierre, Marat, and Saint Just planned, in the name of public virtue, the destruction of human life and of human society. But, sir, if we must 'look to Congress,' let me show the wistful gazers a picture of Congressional action which will fill their hearts with dismay, and which Congress itself cannot to-day behold without feelings of humiliation and shame over its present position."

Mr. Voorhees declared that the President's policy had cleared away the wreck of a gigantic fraternal war, laid anew the foundations of Government, renewed confidence and hope in the

hearts of a despairing people, and won for its author the respect and admiration of the civilized nations of both hemispheres. He said, "Those wandering stars from the azure field of the flag, those discontented Pleiades that shot madly from their spheres, have one by one reillumed their rays at the great center of light and of glory. The whole land wept when the beautiful sisterhood was broken. The wail of the heart-broken over the pallid face of the beloved and untimely dead is not more full of anguish than were the hearts of those who love their fellow-man when many of our most brilliant planets denied the law of gravitation and struck defiantly out upon orbits of their own. The sword that was drawn by all Christian hands, more in sorrow than in anger, hangs peacefully in its scabbard on the wall. Each section has its reminiscences of sublime devotion, of grief, and of glory. These are the brave heart's dearest treasure, and until

'The good knights are dust,'

they will be hallowed as the devotee hallows the rites of his religion. But peace under the policy of the Executive is celebrating 'her victories no less renowned than war.' The shining symbols of the revolted race are over our heads. State after State, kindly assisted by the paternal hand of the President, comes to take its place beneath its ancient coat of arms. They cluster around these vacant seats that have so long invited them in



vain. They are welcomed by the President as Israel's greatest king welcomed the warlike son of Ner, whose standard had waved twice four years in rebellion."

Mr. Bingham of Ohio replied to Mr. Voorhees in a speech of power and eloquence. "I am not willing," he said, "that the gentleman, after the struggle through which we have all passed, shall assume that he alone, as a Representative of the people, is faithful to the Constitution of his country and to the sacred rights of the people of the whole country. I claim myself to co-operate with a party of men who are as charitable as the gentleman can be, even toward these late insurgents, these late conspirators, these men who but the other day struck with their drawn daggers at the white breast of our mother country. I am not willing to concede that these gentlemen who, by their utterances, but gave aid and comfort to the rebellion during the gigantic struggle, are the only persons to be intrusted with the honor and dignity of this greatest of all trusts ever committed to the care of any people upon this earth, the perpetuity of the Republic. The Republic, sir, is in the hands of its friends, and its only safety is in the hands of its friends. The party of the Republic proposes only to take security for the future. They do not expect nor hope for indemnity for the past. They propose, however, to take security for the future.

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The spirit, the intent, the purpose of our Constitution is to secure equal and exact justice to all men. That has not been done. It has failed to be done in the past. It has failed in respect of white men as well as black men. It has failed to be done at times in respect of some of the most distinguished citizens of the Republic. Was justice done to your martyr President when he was assassinated in the capital? Time was, within the memory of every man now within hearing of my voice, when it was entirely unsafe for a citizen of Massachusetts or Ohio who was known to be the friend of the human race, the avowed advocate of the foundation principle of our Constitution—the absolute equality of all men before the law—to be found anywhere in the streets of Charleston or in the streets of Richmond.

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I propose, with the help of this Congress and of the American people, that hereafter there shall not be any disregard of that essential guarantee of your Constitution in any State of the Union. And how? By simply adding an amendment to the Constitution to operate on all the States of this Union alike, giving to Congress the power to pass all laws necessary and proper to secure to all persons—which includes every citizen of every State—their equal personal rights; and if the tribunals of South Carolina will not respect the rights of the citizens of Massachusetts under the Constitution of their com-

mon country, I desire to see the Federal judiciary clothed with the power to take cognizance of the question, and assert those rights by solemn judgment, inflicting upon the offenders such penalties as will compel a decent respect for this guarantee to all the citizens of every State. Having said this much touching security for the future, allow me to add that I repel with scorn, come from what source it may, the suggestion that I co-operate with any party that proposes to impose an unequal or unjust burden upon any State in this Republic."

Mr. Bingham closed with a motion to amend the resolutions introduced by Mr. Voorhees, by striking out and inserting a resolution expressing confidence that the President would co-operate with Congress in restoring to the Union the States lately in insurrection. On motion of Mr. Stevens the resolution and the amendment were referred to the Committee on Reconstruction, by 107 Yeas to 32 Nays.

On the 19th the debate was resumed by Mr. Deming of Conn., in a speech of much power and beauty: "We are here," he said, "in the full gaze of the nation and the civilized world, charged with the future grandeur and renown of the Republic. We are here fairly coining and molding the rising eras and ages of a continent. We are here attempting to save an empire from being mortally wounded by that ball which has hardly yet spent its force, and which these new converts sped at its head when in their now regenerate bosoms burned

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all the concentrated flames of hell. We are here, having just rescued the Government from death on the field of honor, attempting to save it from the death of infamy which would follow its perfidy to the freedman who fought its battles and to the creditor who purchased its bonds. And when here, under such oppressive responsibilities to the present and the future, to the living and the dead, we ask, earnestly ask, like tortured Ajax begging for light, what proof—strong, convincing, overwhelming, as the enormous improbability of the supposition requires—do you present that these red-handed rebels can safely participate with us in launching the now enfranchised Republic on its dazzling orbit of justice, probity, and freedom, we are forthwith answered by a flux of glittering generalities, which are no more proofs of loyalty than the dogged submission of the assassin Payne to his fate was proof of loyalty.

I see by the northern papers that some reverend gentlemen have been transcendently weak enough to bless God “for having converted the southern heart to loyalty.” If this be so, St. Paul’s conversion was rather a tame affair. If it be true that these fire-eating, blood-thirsty southrons, whose untamed insubordination, whose furious and vindictive passions, were the proverb and shame of our past, have been suddenly born again, then has the day of Pentecost met with an eclipse which amounts to a total obscuration, and the epistles of Andrew have

worked a greater miracle than the preaching of Peter."

Mr. Deming was followed by Mr. Smith of Kentucky, who warned the Republican party against the adoption of Negro suffrage. He avowed his willingness to maintain the freedom of the negroes, to teach them to be intelligent and virtuous, to insure their rights of property, liberty and life. On the 27th, Mr. Baker of Illinois spoke eloquently of the grand purpose of the loyal people to demand security for the future. "That purpose," he said, "is strong because it is allied to patriotism, justice, humanity; because it recognizes progress as well as order; because it is the will of God, expressed in historic form, and working out the historic ends of the Republic. It will not be thwarted of these ends, sir! No power in the nation, official or other, is strong enough to stand before it and turn it back. It demands that the old reign of brotherly love based upon infernal injustice shall cease, and cease effectually. It demands that the character of the American citizen shall no more be degraded nor his patriotism corrupted by being required to surrender his conscience as a peace-offering to either an imperious or a suing aristocracy of class. It demands that the honor of the nation shall not be soiled with base ingratitude by abandoning our southern allies who have done so much by strong arms and patriotic sympathy to turn the scale of the conflict in our favor—abandoning them, sir, to the bullet, the

knife, the halter, the scourge, the cruel code, the enforced ignorance, and compulsory poverty which the bitter 'grudge' that is owed them will so surely bring upon their unprotected heads.

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Then, sir, we shall have built our house upon a rock, and not upon moving quicksand. Then the blood that has flowed and the hearts that have broken and died in this terrible war for liberty and nationality, shall come forth from the ground and the grave and bless the hand of the builder! Oh, I warn you, sir, I warn you, that when conservatives make haste liberty is in danger! It is for a purpose, and to the cost of humanity, that they seek to violate the fixed maxims of their conduct and the ingrained principles of their life. When fighting against the birth of new liberties—as they so strangely love to fight; when holding back the hand that would lift a burden from the quivering heart of the downtrodden poor—as they so cruelly love to hold—they are fond of telling us after Linnaeus, 'There are no leaps in nature;' and after Bacon, 'Time is the great innovater, but he innovateth slowly.' But now, when a very little time is needed to concrete the fruits of this great struggle—to ripen the blood of the martyred dead into a sure and everlasting heritage of liberty to all the people—the eagle hasteneth not more swiftly to his prey, than do these same conservatives to dash this fairest prospect that Heaven has ever vouch-

safed to man on earth! Ah, God! if we do but let them do it! Men of the North! men of the North! stand firm till this sacred finishing duty shall be performed! Shoulder to shoulder, and shield to shield, let the whole grand column of Liberty and Union march on, until the results of this great war, so dearly earned by the mighty agony of the Nation's bleeding heart, shall be gathered up and made secure forever! And he that falters now—though his plume may have shown in the forefront of the fight, and his voice rallied the clans of liberty in other days—for him let the portion be, 'Ichabod! Ichabod! thy glory is departed!'"

Mr. Broomall of Penn. spoke for a Reconstruction that should give security to the freedman and not leave to the tender mercies of his enemies, one who in the gigantic struggle was on the side of the country and against his master. He said "the negro was loyal to a government to which he owed nothing but chains; a government which had authoritatively pronounced from its highest altar of justice, that he had no rights which it was bound to respect; true, when the hand that fed him, and could crush him became false; shedding his blood and leaving his bones on the most sanguinary battle fields, fighting, and falling when he fell, always on the side of loyalty.'

Mr. Hubbell of Ohio, on the 5th of February, addressed the House in favor of changing the basis of representation, and of giving ample and com-

plete protection to the freedmen in all their rights of person and of property, to the full extent by all non-voting classes. Mr. Randall of Penn. maintained that the Republican party, by its acts and legislation, had established the fact that the rebel States were not out of the Union. Mr. Lawrence of Ohio was for speedily inaugurating the era of universal brotherhood and universal justice. "When" said he, "by irreversible guarantees secession shall be repudiated; the supremacy of national allegiance and national adjudications affirmed; a just basis of representation in Congress and the Electoral College secured; the rebel debt repudiated, the impudent claim of compensation for slaves made free shall be rejected; our national debt and obligations to Union soldiers placed beyond repudiation; with the personal rights of every citizen secured; with every State pledged to provide common schools for all its youth, then, with unqualified loyalty restored, the era of fraternity will be secured."

Mr. Stillwell of Indiana had hoped that four years of war had wiped out forever from the public mind every thought of nullification, secession, and disunion, and that the nation had emerged from the bloody contest with but one national pulsation, that the States are "one and inseparable, now and forever." Mr. Welker of Ohio maintained that the rebel States were not out of the Union. He said, "no man whose heart was filled with sentiments of treason, whose hand is red with the blood of our



martyred heroes, should ever be allowed to take a seat as a Representative in the American Congress. No traitor should ever be allowed to contaminate these beautiful Halls. The great and vital interests of this broad land should never, no never, be placed in such hands. No pardons, no repentance should ever open these doors to him. These majestic emblems of freedom should never be desecrated by his presence." Mr. Henderson of Oregon said John Brown struck against slavery, the rebel leaders struck for slavery; he was punished justly; they deserved punishment more.

Mr. Kelso of Missouri was born of ultra pro-slavery parents, and had unconsciously imbibed many of their sentiments and prejudices, but he was willing to do justice to all men, to even the despised negro. He said, "The gratitude, the plighted faith of the nation binds us to bestow upon the loyal blacks, all the rights of freemen. In the darkest hour of our country's need they never faltered, though their fidelity to us subjected them to unheard-of outrages and to death in a thousand terrible forms. Our poor starved prisoners, escaping from the rebel slaughter-pens, found no friend but the poor, despised negro. He shared with them his own scant fare, and in the darkness of the night led them through swamps and over mountains to the camps of their friends. When the war hung in even balance, we called upon these poor slaves to help us, and promised in return to make them free.

No danger, no obstacle daunted them. By tens of thousands they poured into our ranks, and soon a hundred thousand threw themselves upon the foe. The scale soon turned in our favor. Fort Wagner, Fort Pillow, Port Hudson, Petersburg, a score of battle-fields the most bloody and the most glorious, all speak of their valor. As rushes the mighty avalanche from the Alpine heights, so rushed they amid the hot smoke and the thunders of the battle upon the traitor foe. On, on, through trenches, over ramparts, up to the very mouths of the cannons that mowed them down, they bore our flag to victory, while thousands, from whose bosoms the hot blood was gushing, turned their glaring eyes upward to that 'brave old flag,' and poured out their last breath in cheers for victory and liberty. Poor, brave, deluded men! They thought they were free. Our country had promised them freedom, and even in dying they were happy because they thought it was true. They did not know that the very people for whom they were dying would have shamelessly violated their solemn promise and turned them over helpless into the hands of their enraged and cruel masters. It would have been better had they all died. Alas for those who still live! They come home war-worn and weary to find that their fond hope of liberty was only a delusive dream."

On the 10th, Mr. Ward of New York eloquently advocated a policy of Reconstruction, that should

secure the equal rights of the men made freemen. While white men betrayed their country, he maintained that black men were true to their country. He said, "And the four million black men who were the slaves and under the control of the rebels, who were away from the Union lines and its protection, who only knew God because they saw Him in the stars and heard Him in the winds—for the Bible to them was a forbidden book—they who had only known the flag from the stripes it gave them, and the Union from the chains it bound them with; they who from the first sent their morning and evening prayers to Heaven that the nation might live, who furnished our soldiers flying from captivity and death with guide and shelter, food and fire, while the master let slip bloodhounds on the fugitive's track; who of the four millions betrayed a loyal man? Not one who but exposed the traitor master. This faithfulness on the part of those poor, simple, ignorant men, is to my mind one of the grandest phases that the war has developed.

How strange the contrast between the slave in his chains and the master who had been pampered by the Government. The former kissed and upheld the rod that had smitten him, the latter smote the hand that had fed him. And yet we are asked at this time to consign these loyal men, both white and black, to the mercy, as I have said, of these rebels and enemies.

I am free to say, Mr. Speaker, that if such is to

be the policy of this Government, it is recreant to its high duty ; it is unworthy of all the blood shed and treasure expended in its cause ; it deserves to perish in its ingratitude, and be blotted from the face of the earth."

Mr. Delano of Ohio combated the doctrine of dead States and conquered provinces, and eloquently opposed confiscation. Mr. Williams of Penn. followed in a powerful, brilliant and eloquent speech. "The rebellion," he said, "so far, at least, as armed resistance is concerned, is over. We still tread, however, on the ashes of an unextinguished volcano—'*supposito cinere doloso.*' 'An earthquake's spoils are sepulchered below.' The ground still heaves and trembles ; the fiery flood still surges and pulsates beneath our feet ; and already, almost before the thunders of our artillery have rolled into the distance, and while the smoke of battle is still upon the plain—without a moment's pause to survey the wide field of ruin, and reach forward, if possible, with telescopic vision into all the bearings and all the remotest possible consequences of the act which we are called upon to do, a childish impatience is urging us upon a path where angels might fear to tread, and expecting us to crowd the structure of an empire—the ordinary work of centuries—into the deliberations of an hour.

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You have carried the cup of freedom to the lips of the black man and he has drunk of it. If you

would make of him a peaceful citizen, and an obedient member of the State, you must protect him in the enjoyment of the liberty you have given him. To do this it is only necessary to invest him with the defensive armor of the ballot. That will secure to him the consideration of the white man. That will make it the interest of the superior classes to cultivate him. That will educate him into an intelligent acquaintance with his duties. That will secure peace and harmony to the land. The black man has shown himself to be as docile, gentle, and humane as he has approved himself loyal and brave. He will make a valuable citizen if fairly dealt with. But remember! he is a man, who has tasted liberty, and felt the glow of an unaccustomed manhood, as his pulse danced with a new inspiration when he looked up at the folds of your starry banner on the perilous edge of the battle. Beware how you allow these men, who have never yet learned, and never will learn anything, to trample on him now. The policy foreshadowed in the proclamations will make only a discontented people. It is the slogan of battle—the herald's denouncement of that war of races, which is so strangely apprehended by those who urge the very opposite policy to heal up a war of sections. It is the preparation for these deluded people of a future, before which even the savage horrors of their own revolt may pale. The kindred policy that ruled our councils in the same interests for two long years—as it seems to rule them now—

proved fatal to the system it was intended to serve, by making its preservation impossible. It may be that God Almighty intends to finish His great work by giving a further rein to the infernal spirit that precipitated these madmen into the revolt that melted the chains of their slaves. Let us see to it that we be not called upon to repress the outbreak of nature, by drawing our own swords hereafter upon our faithful allies in the war of freedom. We can prevent this now—and will if we are wise—by a mere act of justice that is simple and reasonable, and will trench on no man's rights, while it will extend the area of freedom by popularizing these governments, and bringing them at once to the republican standard of the Constitution. That act is demanded by considerations of the highest wisdom, as well as of the strictest justice. It were a foul shame to refuse it, and a fouler still to add to that refusal the future possible infamy of turning our own arms, at the call of these delinquents, upon the trusty auxiliaries who have assisted in subduing them, when the tyranny of their oppressors and the instinctive yearnings of humanity, may drive them to resistance. I should blush for my country, and weep for it, too, if it was capable of an atrocity so unutterably base.

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I think I am no alarmist. I am not apt to indulge in gloomy auguries in regard to the future of a nation that has outlived so many blunders and

been so often ransomed by an Almighty arm. The proverbial honors of a prophet of evil have no attractions for me. Poesy has told us the story of Cassandra. History has vouchsafed to hand down to us the name and fate of the madman who ran up and down the streets of Jerusalem crying 'Woe! woe!' while the armies of Titus were encamped about its walls. But if I stood alone on this floor, and it were my last utterance, holding the high trust which God had given me, with a nation in travail, and in view of the dark portents that cloud the horizon, and shake the very atmosphere around us, I would say to the people, 'Awake from your false security, or prepare yourselves for another holocaust. Your enemy still lives. His 'impaired vitality' has been restored. Red-handed treason rears its head as proudly and defiantly and insultingly as before. It menaces your capital. It claims to dictate to your President. It presumes to use the very organs of your Government to denounce your attitude as a revolutionary one, and to arraign your servants here as though they were in rebellion against the South. It moves upon the citadel where your defenders are intrenched. See that no warder sleeps, no port is left unguarded. Look to it that no sentinel unbars your gates. Steel the hearts of your defenders against the weakness that would betray like treason. See that their mail is proof—no joint agape, no rivet out of place. See that no Trojan horse, no Tennessee with fair out-

side, but big with 'pestilence and war,' shall win its way within your walls. When these great criminals do return, if ever, let it be only through the door that you shall indicate, and with such infrangible and irreversible securities as you only have the right to demand.' This is my position. Here I have taken my stand, and by the help of God I will maintain it to the end. Others may falter in the trial, but through me no right shall be abridged, no privilege surrendered, no single leaf plucked, no jewel torn from the crown of the representative body."

On the 15th, Mr. Newell of New Jersey said, "If the government should be founded on the rock of true Republicanism, 'universal suffrage,' then in the ages to come, the waves of death and darkness may beat against it and beat in vain. From the very nature of Republicanism, as understood by the fathers, freedom and suffrage are concomitant, twin sisters, inseparable, mutually dependent on each other for support and existence. Suffrage follows freedom as light follows the rising of the sun. It is by the ballot box that freedom is upheld and perpetuated. Unmindful of all consequences to ourselves, individually, but impressed with our responsibility to all mankind, casting our vision beyond the present and into the far distant future, let us endeavor to re-establish this Government upon the enduring principle of 'equal and exact justice to all men,' and to lay its foundations deep and broad



upon the eternal rock of liberty and perpetual Union. So shall our beloved country, healed of her wounds, and disenthralled from the enchantment which has bound her for a hundred years, spring into a new existence, to exceed in grandeur and greatness the wildest visions of the patriot fathers, and, her banner, planted high upon the everlasting hills of truth and justice, and illuminated by the sun of freedom, shall become a beacon to the oppressed children of men, who shall come hitherward and find a refuge and heritage for themselves and their children, and their children's children, till time shall be no more."

On the 17th Mr. Strouse of Penn. declared that rampant radicalism, and bigoted Puritanism were not yet satisfied; and Mr. Defrees of Indiana advocated the early admission of Tennessee. Mr. Cook of Illinois was for civil rights, for the freedmen's Bureau, and for amendments to the constitution securing living truths. "We have seen," he said, "the sure results of injustice and oppression in this land of ours. Are we not wiser now than before we sought to establish iniquity by law, and to enter into a contest in which, to use the idea of Jefferson, every attribute of the Almighty was against us? In the light that streams so full and clear from the last four years of our history, do we not see that they, and they only, win at last who work with God for human liberty and progress?"

Mr. Broomall of Penn. introduced resolutions

setting forth that the Rebellion had deprived the Rebel States of governments, and that it was the duty of Congress to enable those States to organize State governments. Mr. Lawrence of Ohio said Mr. Broomall's resolution declared the true theory of reconstruction; and he moved an additional resolution declaring it to be the sense of the House that the condition of the rebel States justified the President in maintaining military possession and control of those States, and thanking the President for employing the war power for protection of loyal citizens and freedmen. Mr. Cullom of Illinois said that Mr. Harding of Kentucky announced, a few days before, "that it was time a little posting was done," and that gentleman had passed silently over the record of himself and his party, and with a zeal only equalled by his bitterness, had undertaken to post the record of the Union party, which had stood by the nation's flag and borne it aloft amid the storm of war. "We are not," he said, "the men to shun an examination. The party which has shaped the policy of this nation, since the election to the Presidency of the great martyr to the cause of liberty, and which has never turned its back upon the Government in its contest with treason and rebellion, and which has procured the recognition of the great principles of freedom throughout the land, has no cause for alarm when it is proposed to spread before the world its political record. We are willing that the items of the account

shall be called over, the long columns added together, a balance sheet struck, so that the people may see at a glance how the matter stands. And may I call upon the loyal people to hold to strict accountability the party who is the debtor, as appears from a posting since the beginning of the accursed rebellion."

On the 24th the debate was resumed, and Mr. Clarke of Ohio spoke earnestly. "The times in which we live and the people," said he, "with whom we have to deal in this work, are worthy of careful consideration, for without a just appreciation of them, we have no assurance that our labors will be either wise or well-timed. Old things are passing away, and new ones are taking their places; old ideas, old errors, are fading out in the sunlight of truth, and old customs and practices, based on exploded dogmas, are everywhere crumbling into ruins, and a higher and holier order of things succeeds, keeping pace with the moralizing and Christianizing influences which mark with especial significance the ruling spirit of the times.

Slavery, that but a short time since was received as a God-given institution to man, has fallen under the ban of a purer morality, and gone down with the curses of the Christian world resting upon its memory. Four brief years have done the work for that monstrous institution of outrage and wrong and crime against humanity.

With the fall of slavery must also fall the things

pertaining thereto; the thing that was yesterday a chattel is to-day a man, and the master who yesterday had his heel upon the neck of his slave, to-day meets that slave upon the level of a common equality in all that pertains to the natural and civil rights of man."

Mr. Clarke was followed by Mr. Plants of Ohio, in an able, eloquent and philosophical speech. He said "that in listening to gentlemen I have been struck with the oft repeated declaration that the Rebellion was causeless. If anything, much more an event of the magnitude of the rebellion, could happen without a cause, then, indeed, would we be afloat upon a sea of chaos, where chart and compass would be but useless toys, and statesmanship a term without meaning. Everywhere cause and effect are married together. No event ever did or ever can happen without a cause. And this is as true in the rise and fall of nations as in the simplest occurrence with which we are familiar. It is true of the scene through which we have passed. The rebellion had a cause—a sufficient, natural, necessary cause—from which it was evolved as naturally as the rose unfolds from the bud.

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Jeff Davis and his compeers were no more the cause of the war, than the scum upon the surf is the cause of the surf itself." He maintained that slavery was the cause of the war, and proceeded to show how it had worked out its results, and he de-

clared himself impatient while hearing members of the Union party denounced as "radicals, fanatics, revolutionists, disunionists and enemies of the country, by gentlemen whose position, if not their purpose, makes them the accomplices of traitors. I say accomplices, for effects follow causes regardless of men's motives. \* \* \* I say here in my place, without following our brave boys through rebel prison-pens and bloody battle-fields, to unmarked graves, that every one of them owes his murder more to Northern Democratic ballots, than to Southern Democratic bullets. Not so much, sir, to the armed rebel at the South as to his Democratic fellow-partisan at the North, is the mother indebted for the massacre of her son, the wife of husband, and the orphan children of their father. For every life so sacrificed and dollar expended and debt incurred, do I hold those and their partisans responsible, who with brazen cheeks hurl these epithets at us."

Mr. Beaman of Michigan spoke of the doubts, the fears, the horror and gloom that marked the rise and progress of the rebellion. "I remember," he said, "the latter days of February and the early days of March in the year 1861. During that period of feverish excitement, whether or not the President-elect, the nation's choice, could be inaugurated in accordance with the time-honored custom of the country, was a question that filled the minds of many good men with painful doubt and serious

alarm. - I seem still to hear the lingering echoes of the first gun discharged upon Sumter. I was in Washington when our defeated and routed army came straggling into the city from the field of Bull Run, without order and without discipline, inducing in some minds despair, and consternation everywhere. I remember with what crushing effect the news of our disasters before Richmond in the "seven days' fights" fell upon the loyal heart of the country. I remember that discouragement succeeded hope and confident expectation when the issue of the struggle at Fredericksburg was known. I do not forget the thick gloom that settled down upon the country in 1862, and which was hardly lifted in 1863. I never can forget the forty-five thousand brave but mutilated men who were gathered into hospitals in this city in 1864, martyrs to the cause of liberty in the masterly campaign of General Grant.

Those were sad, dark days, whose tinge was deepened by the frowns and hostile intrigues of foreign nations. But sadder still, and darker and more gloomy, will be that day on which the rebel States shall assume the control of our national Government; when, without guards or security for future good conduct, without protection to the blacks and loyal whites who have freely shed their blood in our defense, the seceded districts shall be declared reconstructed and restored States, and again launched upon their career of oppression, tyranny, and

crime. But I pray God—I trust, hope, and believe that such a day of woe may never come.”

Mr. Bromwell of Illinois eloquently asserted the complete power of the Government over the rebel States, and justified the demand for further guaranties. He maintained that when the people of the South “ranged themselves in front of the armies of this nation and went down before its power, they come back to-day clad with no more rights as States than the laws of war and the disposing will of the people accord to them. They tried the wager of battle. It has failed. The victor comes in and is clothed *eo instanti* with all the disposing power, limited alone by that principle of public law which requires the victor to provide necessary and proper regulations for the vanquished country; subject further to that principle in the law of nations, growing out of public justice and public policy, that such existing laws as are not inimical to the conqueror and do not stand in his way shall be left for the common benefit. All their organizations, statutes, constitutions, charters, contracts which stand in the way of this go down. They are held to be shattered and crushed by the stroke of the conquest, and lie mingled with the dust of their defending ramparts. This was the stern law which they invoked, and not the will of the peaceable, law-abiding people of this Union. They come with their broken constitution and their violated vows, with the flag of their country beneath their feet

and the flag of secession flaunting its folds before heaven. Here they come, Legislature, judiciary, army, navy, pirates, guerrillas, every species of force which they can collect from the four quarters of this land, and present themselves in battle array; they stand until the force and power which they have invoked, whose vengeance and whose strength they have challenged, has hurled them to the dust. And now, while writhing beneath the stroke of the victor, a voice comes forth saying that they have the same rights at law that they would have had had they been marshaled under the glorious stars and stripes, and fought for the Union and for liberty—fought in the same cause for which our heroes bled and fell. They come here to demand the right to legislate for the people of this country, who have not yet all returned from the mournful task of burying the mangled dead of the nation, over whose tombs these men must walk to take their places here. They seek to mingle with the loyal defenders of the country, and scarcely deign to take their shoulder-straps from off their clothes when they ask to sit down here to legislate for the men of Fort Donelson, Chickamauga, and Gettysburg. They come here to legislate. Who? Think of it! Governors who are just from turning over to their successors galleries appropriated to old secession flags which they have gathered to place before the people, to remind them that the men whom they led beneath these flags have fought and



gained their glory in a war against their country; thus to keep alive secession and all the diabolical principles which nourish and sustain it."

On the 3rd of March, Mr. McKee of Kentucky said: "We are told on this floor and all over the country, that the law which says no man who cannot take the oath commonly called the 'test oath,' is unconstitutional, that it is a disgrace to a free people—ay, sir, it does disgrace traitors—that we had no authority to pass it, and that we have no power under the Constitution to enforce it; that red-handed traitors, if they have taken an oath to support the Constitution, have as much right to come into this Capitol and legislate for the people as the gallant soldier who bore the flag of his country amid the smoke and thunder of battle, and crushed out by war these men who sought the life of the Republic; that these betrayers of their country have equal rights and are to stand in future side by side in equal honor and esteem with the war-worn veterans of four long weary years of toil and battle to save the nation from destruction. Go tell it to these men, and they will hurl it back with such scorn as will wither him who dare assert it in their presence. Go tell it to the survivors of the twelve thousand heroes who in the low, flat marsh of Belle Isle, passed the terrible winter of 1863 and 1864, and the ghosts of the starved and freezing dead of that pen of misery will confront you with the living heroes; and if shame itself does not

compel you to call back the assertion, then you have not the heart of a man. Go tell it to the twelve hundred, who in the same winter looked out through the iron bars of "old Libby's" gloomy walls, and in sight of boxes piled up across the street, stored for them by the loved ones at home with all the necessities of life, starved and sickened for food, that the men who thus insulted them through those iron bars, taunted them and stole from them the bread for lack of which so many died, are to be their law-givers in future, and you change humanity if you are not rebuked. Go tell it in the homes, once happy and bright, of the sixty thousand starved soldiers who died in loathsome and foul prison-pens, that the men who committed these terrible crimes against them, against humanity and God, must make laws for the widow and orphan of the dead, and if your heart is not seared and cold as death, you will see the ghosts of their lean and wasted forms rise up before you and hear their sepulchral voices crying, 'Back, back, back! Hide yourself along with the traitor whose cause you come to plead.'"

Mr. McKee declared he would never join in the surrender of the fruits of victory bought by four weary years of blood. The debate was continued by Mr. Loan of Missouri; he said: "The bullet is the freeman's only safety in this country, when he is deprived of the ballot; the ballot and peace, or the bullet and war, are the alternatives between

which the Republic must choose. Mr. Thornton of Illinois asked, "why degrade this people more and longer? They proffer the only test you have the right to require—obedience to the Constitution and the laws of the land. Why indulge in abuse and suspicion? This will only inflame. Lord Bacon says, 'Suspensions among thoughts are like bats among birds, they fly only by twilight.' No generous thought, no noble emotion can ever come from the dark caverns of a mind filled with hate and suspicion. Love and confidence can never be forced, they must be won by soft words and gentle acts. If those States are ever to be bound together in an equal and enduring union by us, we must rise to the high dignity of true manhood and Christian charity, and bury forever the feelings of distrust which now haunt the mind. The charge is constantly made that the Southern people are perfidious; that they will keep no pledges; that no oath will bind them. Can they ever accept your conditions-*precedent* tendered in such a spirit? Never! They will never agree to make the slave of yesterday, the social and political equal of to-day. They would deserve and receive even *your* scorn if they would accept of so degrading a condition. Unless they can come in as co-equal States they will never come. You may call, 'but will they come when you do call for them?' What then? Force will govern and history will re-write itself,

and the tyranny over Hungary and Poland and Ireland will be re-enacted in once free America."

Mr. Kuykendall of Illinois thought the best security of the government was the complete and utter failure of the late rebellion. Mr. Finck of Ohio thought war had done its work most effectually, and that the Southern people ought to be at once admitted with all their rights, and enjoy as equals and brothers the priceless heritage which had come down from an illustrious ancestry.

On the 10th the debate was resumed by Mr. Orth of Indiana. He said, "Congress has no difficulty in coming to the conclusion whose voice they should obey. Slowly, surely, deliberately we shall pursue our work, determined to do it right so far as we can, under the providence of God, perceive the right, regardless of clamor, abuse, or vituperation."

Mr. Stevens followed Mr. Orth. He maintained that in civil wars the parent government might exercise both belligerent and sovereign rights. The rebels he declared had not been punished. They had exchanged forgiveness with the President and been sent on their way rejoicing. "I have never," he said, "desired bloody punishments to any great extent, even for the sake of example. But there are punishments quite as appalling, and longer remembered, than death. They are more advisable, because they would reach a greater number. Strip a proud nobility of their bloated estates; reduce

them to a level with plain republicans; send them forth to labor, and teach their children to enter the workshops or handle the plow, and you will thus humble the proud traitors. Teach his posterity to respect labor and eschew treason. Conspiracies are bred among the rich and the vain, the ambitious aristocrats. I trust yet to see our confiscation laws fully executed; and then the malefactors will learn that what Congress has seized as *enemy's* property and invested in the United States, cannot be divested and returned to the conquered belligerent by the mere voice of the Executive. I hope to see the property of the subdued enemy pay the damages done to loyal men, North and South, and help to support the helpless, armless, mutilated soldiers who have been made wretched by this unholy war. I do not believe the action of the President is worth a farthing in releasing the property conquered from the enemy, from the appropriation made of it by Congress."

"Why," asked Mr. Goodyear, "this effort to prove, by reference to Grotius, Vattel, Puffendorf, and I know not what array of antiquated authorities, that the South by the war have forfeited all political rights? Why, if the battle-cry of the Union, which gave to the party its victories; which sustained the hopes of the people through all the vicissitudes of this terrible war; which cheered on the army of the Potomac in its bloody track from the Rapidan to the James, and stimulated and sustained the army

of Sherman in its wondrous march, was not a fiction ; why, if the very name assumed is not a delusion and a sham, why these endless speeches to prove that the southern States are out of the Union ?”

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But, in this fratricidal policy to which the party is so blindly committed, I warn gentlemen they will fail. The purpose is as criminal as the southern rebellion, and will be equally unsuccessful. No matter how formidable the array of authorities by which you seek to sustain your position, I care not if every writer upon international law that can be raked up from the musty records of the past, may be cited to make the right of exclusion impregnable. The people, in every dollar contributed to the prosecution of this war, in every son sacrificed upon the altar of the Union, every tear shed, every drop of blood spilled, every groan of anguish uttered, have declared that it shall not be the fact. A people who have shown themselves capable of enduring all the calamities of a war unparalleled in history in support of one fixed idea, the Union, will scatter to the winds, alike the dicta of schoolmen and the sophistries of politicians.”

“We must hasten,” said Mr. Ashley of Nevada, “in our policy of reconstruction, for there is a growing impatience to have the country quieted. The late rebel States have accepted the abolition of slavery. Now, suppose complete restoration is

proffered with these other bases of organic law—equal power and representation to every citizen voter throughout the nation ; no taxation to pay debts or obligations incurred in warring against the Union, and no gratuity or donation for services against our country ; no compensation for loss or emancipation of slaves ; loyal men to be accepted as Senators and Representatives from the now unrepresented States—ought not the offer to be accepted by those we have spared from the sword, and cannot we, the victors, generously grant these terms ? Yes ; and the loyal masses who sustained your Government through the late trials, will not falter in your support. Only present your plan of reconstruction, rather than theories and modes of exclusion, and the clouds that now darken our prospect will give way from horizon to zenith, leaving all bright in a restored and strengthened country.”

“How beautifully,” said Mr. Holmes of New York, “the dictates of international law harmonize with our duty to the freedman. ‘To deliver an oppressed people is a noble fruit of victory.’ These people are nominally free, but really slaves. We must, in the language of the emancipation proclamation, ‘recognize and maintain their freedom.’ This duty, repudiated elsewhere, appeals to us with a double power. Whatever others may do, we must neither hesitate nor turn back from its full performance. By us it must neither be repudiated, evaded, or compromised. The right of these people to life,

liberty, and the pursuit of happiness, to protection of person and property, to equal and exact justice and privileges before the law, and in all courts and proceedings, must be freely conceded and amply guarantied. When these things shall be done, and the rebellion suppressed in fact as well as name; when loyalty shall be the rule instead of the exception; when the States lately in rebellion shall recognize and enforce the great truths of the Declaration of Independence, and guaranty to all their people, without distinction of race or color, the blessings and privileges of free governments, then will our government have reached the position designed for it by its founders; then will it have fully entered upon that mission of beneficence and justice which is to regenerate a continent and bless the world."

On the 17th the debate on the President's Message was resumed by Mr. Hill of Indiana. He thanked God that "despite the gigantic efforts of the vast horde of parracidal hands and traitorous hearts that had sought the destruction of the great fabric reared by the immortal of the land, that now the nation's ensign still proudly floats over every portion of the nation's domain; that the integrity and perpetuity of the Republic was vindicated, its strength made terrible, the last traitor disarmed and begging permission to return to the Halls from whence they so scornfully retired. Slavery, the great curse and crime, the most damning stain that



ever blotted the escutcheon of free government, existed no more." Mr. Dumont of Indiana said : "Some gentlemen seem to be anxious to hear within this Hall the crack of the plantation whip, and to have a manifestation of plantation manners as in days of other years ; and as sure as God lives they will be abundantly gratified if the policy of letting in the rebel States without guarantees shall prevail. I am opposed to it. It will prove unwise, ruinous, and disastrous ; and I stand here to raise my voice against it. What we may do cannot be undone ; let us not, therefore, be guilty of the folly of him who marries in a hurry and repents at leisure. A mistake in the matter is fatal ; let, therefore, what we have suffered in the past illuminate our pathway in the present. I entertain no feeling of revenge against this deluded people. I would exact nothing with a mere view to humiliation. I would do nothing that is merely vexatious. I would exact no condition-precedent that I did not regard vital to the full fruition of our victory and the future safety of the Union. Vengeance belongs not to man. In the hands of Him to whom alone it belongs let it be left." Mr. Anderson of Missouri said, "The great, the living, the vital question of the hour is the extension of suffrage to the negro in the Southern States, with a view to his own protection and the maintenance of loyal supremacy in the Union."

On the 24th the debate upon the Message was

resumed by Mr. Moulton of Illinois. He said, "the Democratic party knew the President and his instincts better than the Union party.

The Union party thought him true, honest, and patriotic, but in this have they not been shamefully deceived and betrayed?

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Ingratitude in all ages of the world has been regarded a crime of so damning a character that no man has ever been willing to acknowledge himself guilty of it. And yet, in my opinion, Andy Johnson will go down to posterity, not only as the betrayer of his party, but as an ingrate, infamous in all time to come to all honorable men.

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This Government will be preserved with all its glories and its inestimable blessings. Those who have defended this Union against the machinations of rebels and traitors, will take care that all the privileges, immunities, and guarantees of this Government shall be transmitted unimpaired to posterity.

Let justice, humanity, liberty, and equality ever be the motto of the American Republic."

Mr. Moulton was followed by Mr. Myers of Penn. "We are passing," he said, "through the most interesting periods of American History. No higher duties, no graver responsibilities, no prouder privileges ever devolved upon men, than those which the American people have accepted and discharged

in the last five years. Every attribute of manhood has been called forth by the struggle for a nation's existence, until purified by the ordeal we have risen in the scale of honor and of civilization. Happy in the arts of peace, treason's poisoned dagger found us unarmed. Yet to-day rebellion and treason lie prostrate, while the slave power which for years sapped the foundations of our liberties, at last striking at the life of the Republic, learned, in its own dying agonies, that there is nothing so terrible as the wrath of a free people. I need not recount the story of these years of battle, when the rivers were reddened and the fields drenched with the blood of those who should have been brothers. The right has triumphed. Unsympathizing nations abroad have taken good heed of it. We are at this time the most powerful empire on the globe. Nor have I the time to signalize acts of heroism where all were heroes. The trumpet of fame will be broken when they are forgotten. Who shall tell of the unreturning brave or sprinkle over their graves the sweet incense of a nation's gratitude? Unnumbered thousands of them went down to death, willingly as the bridegroom to the altar.

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There is not a man in this House who does not desire the restoration of the functions of every southern State at the earliest moment consistent with the security of the whole. The Union was our watchword and battle cry, our pillar of cloud by

day and pillar of fire by night ; our Army was known only as the Army of the Union. The great party which, rising above partisanship, prosecuted the war to a successful close, was the party of the Union. From the first shot at Sumter, all over the land, prouder than oriflamme or crescent, in every valley, on every mountain, from every window and house-top of the North, wherever our keels plowed the waters or the eddying waves of battle were the reddest, the flag of the Union floated in beauty with not a star omitted on its field of azure. For this the conflict was accepted. For this the victory was won. This was the sacred trust we inherited, and the Union so admirably formed, cleansed now of its only blemish, we hope to hand down to the latest generation.

It will be a proud day when, their rehabilitation complete, the loyal Representatives from all of them can meet here, beneath the shadow of the old flag, remembering its glories, rejoicing in its triumphs, consecrating it for the dominion of a continent in the future, and still unfolding its undying promise to the oppressed throughout the world. When that time, I trust not far distant, shall come, pæans of joy will be chanted all over the land, and the thunder from a thousand brazen throats, speeding over hill and prairie and river, will be echoed far across the sea, proclaiming in tones never again to be mistaken, that American liberty and American union shall go hand in hand down the pathway of the

ages. God speed the day! But while it is a beautiful thing to be merciful, it is still grander to do right. Disloyal practices, unjust legislation, oppression, and wrong must not again be the stepping-stones to power. These local governments, in their reconstruction, must be built on the eternal principles of right, or crumbling upon their own citizens, they may once more shake to their foundations the very pillars of the temple of liberty."

Mr. Buckland advocated the early admission of Tennessee. He was followed by Mr. Hart of New York, who made an earnest plea for security and protection to the freedmen. "We do not," said Mr. Hart, "ask for bloody retribution on their crime; we only demand security for the future, protection to all, universal freedom, and no discrimination under the law against any human being within their borders. We have inaugurated a great social revolution in the southern States—a fundamental change in social order. Shall we leave it incomplete and throw it under the control of men whose education, habits, and prejudices are in deadly antagonism to its further progress? While the negro was property he was certain of at least so much care and protection as his owner would give his horse or his ox, because he possessed a pecuniary value. Now that the tie of property is severed, he is left to the tender mercy of men who look upon him with hate and detestation, and blindly hold him to bitter account as the cause of all their present

troubles. They will be slow to elevate the chattel to the dignity of the man. They may talk bravely of giving him his rights, but their ideas of human rights are not ours. They have been bred in a school which has taught them that a black man can have no rights which they are bound to respect. They have no comprehension of that pure republican faith with which we of the North are imbued, which recognizes all men equal before the law, and that in the framework of free society all men should have equal share in its development and progress”

Mr. Lawrence of Ohio spoke against paying for slaves; and was followed by Mr. Grider of Kentucky.

On the 7th of April Mr. Hogan of Missouri addressed the House on the policy of reconstruction. He thought the existence of slavery in this country was a great question of Providence. “The black race were brought to this country from Africa through the cupidity of men. A great wrong was perpetrated by that cupidity, but the great all-seeing God has overruled all this for their good and for the good of the world. In my judgment they were permitted to come to this country where they might be taught Christian civilization, the rights of man, and the immunities of freedom; where they might be instructed. Thus Providence intends that they shall sweep back again into the great dark continent where no light of civilization or Chris-

tianity has ever penetrated, in order that the news of salvation through them may be carried to the very ends of the earth."

"I confess," said Mr. Baldwin of Massachusetts, "that I have not sympathized with that eager zeal which dreamed of seeing treason, all hot with the fierce fires of the war, suddenly lower its temperature, change its heart and its habits, throw off its chronic hatred of the Government, and restore the insurgent States to honest patriotism and proper organization during the first weeks or months after the overthrow of its armies."

Mr. Baldwin was in favor of sweeping away with slavery the lawlessness created by it, and of giving to the freedmen the ballot as a wonderful power for his protection. He said, "It is undeniably the aim of the old pro-slavery spirit, to reduce them to a condition as nearly like that of slavery as circumstances will admit; a condition that would yield all the advantages of slavery without any of its incumbrances. The hatred which has declared the freedom of these people a calamity conspires diligently to make it so; the Government is angrily forbidden to interfere with its operations; and if there be an epithet of contumely and reproach that has not been hurled at those who would allow these people the protection they need, it must be some black-guard epithet not yet invented. But the mountains with which barbarism blocks the way of justice, will tumble down and disappear. The powers

of darkness will not triumph in this contest; and whoever enlists in their service, be he high or be he low, will certainly discover that truth and justice, guided by divine Providence, move onward to their triumph with a resistless force to which every obstruction must yield."

Mr. LeBlond of Ohio would obliterate every event of the fearful struggle, and leave it a blank in the history of a great people; he thought silence and magnanimity the surest safeguards; harsh and oppressive measures never healed the wounded spirit, nor aroused the attachment that inspired patriotism. He said: "While the booming of hostile guns rattled the windows of the very Capitol, and the dome itself trembled at

‘The muffled tread of thousands,’

none could be found on that side of the House who was not willing to sacrifice even the Constitution to preserve the Union, enforce the laws, and restore peace and tranquility. But now, when the dread legions of the South are driven back, decimated and crushed, when the clash of arms echoes faintly through the vista of time, now, when the triumph of the Union is complete for the first time, the doctrine of dead States, dissevered Union, alien enemies, subjugated provinces, and enabling acts is gravely advanced and considered. Vattel, Grotius, and Rutherford have hitherto been but ornaments to the well-furnished law library, or used only to



teach the student the principles that govern separate nations in their intercourse."

Mr. Lawrence of Ohio spoke for civil rights:— if the Constitution should be interpreted as its language requires, then the men of that day and of all time might enjoy its blessings.

Mr. Clarke of Kansas said: "While we are here assembled to legislate for the protection, welfare, and permanent salvation of the nation, the enemies of the Union and of Freedom are still boldly contending for the control or the destruction of the Government. The form, but not the character, of the contest has changed. Beaten upon the battle-field, the pestilent politicians of the rebel States, aided by their more pestilent northern allies, continue the contest at the ballot-box with a renewed hope and with the same inflexible and malicious purposes. Let me say here, sir, that under these solemn circumstances, the duties of all loyal and patriotic men are as stern, unyielding, and, if necessary, should be as self-sacrificing as the duties of the soldiers of the Union who went forth to fight our battles, to struggle, to suffer, and to die. Sir, we are not worthy to be the legislators of the Republic in this great crisis, if we do not possess that unflinching courage and that unswerving fidelity, necessary to gather up the logical results of the war, and base upon them a more perfect freedom and a grander nationality."

Mr. Benjamin of Missouri was in favor of welcom-

ing home the erring, and overlooking their crimes ; but of reserving the White House, the Council Halls, and the Judicial ermine for the loyal : "Give them," he said, "to your eldest, your first-born, your loyal and faithful sons the control of your possessions for all time to come, by laws as unchangeable as the everlasting hills ; as unalterable as those of the Medes and Persians. Let Tennessee or any other State assume that attitude, and she is welcome to these Halls. Let this be known as the policy of the Government, to be observed in all time to come, and you may rely upon it, 'treason will be odious,' and our land will never again be drenched with fraternal blood."

Mr. Nicholson of Delaware said that "the saddest feature of all this scene is the vindictive spirit which gentlemen manifest in everything that relates to the unhappy South. Have we had introduced here any measures for the relief of that sorely stricken land ? Have gentlemen applied themselves to heal the ravages of war and encourage a defeated, humiliated people to resume their former position and contribute, as before, their share to the national greatness and wealth ? Alas ! no. But what instead do we see ? The carnival of death has ceased, but gentlemen are not willing yet to be cheated of their prey, and they carry on the war in another shape. Instead of shot and shell, these valiant warriors now fire at them such acts

of Congress as the Freedmen's Bureau and civil rights bills."

"These four years of blood and anguish," said Mr. Perham of Maine, "have been the fearful punishment for our refusal to obey the demands of God's eternal justice. The sins of the fathers as well as our own have fallen upon us with terrible consequences, and are to be visited upon coming generations in the shape of an enormous debt. And now, though we have given the colored man—what we had no right to withhold from him—his liberty, if we fail to give him the common rights of citizens we may depend on still further judgments from Him who made the black men black, and the white men white, and stamped upon both His own image.

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There is a grandeur in the contest we are entering amounting to the sublime. Our people have stood unawed and invincible in the midst of the thunder and smoke of terrible battle, when carnage and death held high carnival. It remains for us to show to the nations of the earth that we can stand erect in this moral conflict, and, with hearts strong and undaunted, meet every responsibility incident to the great work which devolves upon us. The result of this conflict is not doubtful. We may not now be worthy to enter the promised land of peace and prosperity which lies before us. Months and years even of severe conflict may intervene, but we shall surely win at last. While God sits on His

throne, right and justice are indestructible. Men may attempt to raise their puny arms and fight against His purposes, but they will be paralyzed. The man who expects to turn the Union party of this country from its convictions of duty by executive influence, will soon find he has mistaken the men who compose it. They have written their principles in letters of blood and will not abandon them."

Mr. Miller of Penn. said: "This great Republic, now extending from the St. Lawrence to the Gulf of Mexico, and from the Atlantic to the Pacific ocean, and from which the dark stain of slavery has been eradicated, and the Gospel, education, and civil rights extended to all classes, with a Constitution which, according to the language of Chief Justice Marshall, is formed for ages to come, and is designed to approach immortality as near as human institutions can approach it; and if the citizens are true and loyal, and put their trust in Him who holds in His hands the destinies of nations, this Republic will endure as a shining light until the end of time."

Mr. John L. Thomas of Maryland reminded the House that differences had arisen among loyal men, but all agreed that no rebellious State shall be represented on this floor until her people show such unmistakable proofs of repentance, and loyalty for the future, as will warrant us in believing that "the Republic can receive no detriment at the hands of its former assailants."

Mr. Smith of Kentucky had voted for the Committee on Reconstruction, but confessed that he was sorry for it; and Mr. Ritter of Kentucky opposed the policy of Congress, and appealed to the majority to follow the example of the President. Mr. Shellabarger of Ohio followed in an elaborate and learned argument, to establish the right of the nation to enact laws excluding from places of trust and power those who had become the nation's enemies. He closed his able and eloquent speech by saying: "If indeed it be so that all these are not enough to establish as among the powers of our great and beloved but most injured Government, the merest right of self-defense, and if indeed the chief architects of that ruin of States, which lies there before you yet, almost unalleviated; if the chief actors of this crime, a crime whose infernal shades and glares are, in all the long future, to at once darken and show all that is bad in human history; if all these chiefs of human infamy, with blood-drops dripping from every finger's end, and from 'each particular hair;' if these men, unrepentant, unaneled, 'no reckoning made,' may stalk back, not to ordinary rights of citizenship merely, but to the higher, grander powers of electors of this mighty nation; nay, may come here into the very sanctuary of the nation's life, and to liberty's last retreat, and may come, too, as the rulers of the Republic, and all this in defiance of all power in the Government to forbid it, then, sir, have the precepts

of all reason, all law, all morality, all history, all experience, and all common justice been discarded in the making of your Government; and then I turn away from looking at my country's future in anguish, in despair of the Republic."

On the 28th Mr. Schofield of Penn. addressed the House in an eloquent speech for guarantees. Referring to the fact that the President deemed it unnecessary to insist upon any terms additional to those imposed by himself, Mr. Schofield said: "It is in this opinion that his old persecutors, the defeated enemies of the Union, the foiled plotters of his assassination, have taken heart, and with cruel malice conspired with northern sympathizers to pursue him with their unrelenting friendship. Their last hope for the destruction of this country lies in the seduction of its friends. War failed them, they resort to diplomacy. The President was not much moved by their threats, will he be seduced by their flattery? If so, let me assure those of our friends who are disposed to suppress their own convictions in hope to detain him and his patronage in a little select court party, that they might as well exercise a reasonable liberty of opinion. For if he ever determines to trust his political future to anybody besides the great earnest, triumphant Union organization that elected him, he will have sense enough to put them aside as mere nobodies in popular strength, heartless friends and harmless enemies, as courtiers always are, and push straight for the

‘southern brothered,’ rebel-led opponents of a permanent and peaceful Union. In that event his children and friends may well rejoice that the past, at least, is secure. His patriotic thoughts of the last five years will still live, although only to reprove him.”

Mr. Harding of Kentucky declared that “Radicalism in the North sowed and cultivated the seed, and the fruit was a harvest of blood. To conceal its horrid visage, radicalism put on the robe of philanthropy, and four millions of the black race are robbed of home and protection, and doomed to extermination, while the whole race of free white laborers throughout the whole country, are sold into the galling slavery of taxation, cut off even from the hope that their children after them will be emancipated. Thus has the sun-dial of prosperity and happiness of this great country been set back half a century. And now, sir, the same party, under another name, and with the cry of liberty on its tongue, is earnestly striving to subvert the foundations of republican government, laboring to centralize, consolidate, and build up a frightful Federal despotism, under whose dark and deadly shadow self-government and all State rights would utterly sink and perish.”

Mr. Finck followed for the immediate and unconditional restoration and representation of the rebel States.

On the 5th of May the House resumed the con-

sideration of the Message, and Mr. Bundy of Ohio opened the debate. Mr. Phelps of Maryland followed. "This nation," he said "cannot fully appreciate, but history will recognize the great fact of the abolition of the institution of human slavery. It is too sudden, too violent, and too vast to be fully comprehended to-day. Not the least among the many great evils of this system was the specific influence it produced over the moral sense, dwarfing and contracting the consciences of men to its narrow standard, just as darkness contracts the physical eye. Bursting suddenly and with great noise and fury into the bright air of freedom, what wonder that we should still see with dazzled and bewildered vision, that we should grope and clutch vaguely at the objects around us, that we should be tormented with panic fears and haunted with hideous dreams of the dark prison-house. It is, therefore, by no means strange to me, but quite natural, that many well-meaning but purblind patriots should still afflict themselves and society with their panic dread of rebellion ; should predict the revival or even affirm the actual present existence of slavery ; should start at every sound, and stampede at every shadow ; should see walking by moonlight the ghost of slavery, and behind every bush a 'red-handed rebel ;' should rend the air with clamors for protection against this imaginary monster, and make both day and night hideous with their jargon



of guarantees, conditions, and constitutional amendments."

Mr. Ingersoll of Illinois reviewed the policy and action of the President, and sharply criticized his conduct of affairs. Mr. Randall of Penn. replied to Mr. Ingersoll, and Mr. Lawrence of the same State avowed that he could not after the veto of the civil rights bill, go for the President's policy without degrading himself and losing his self-respect. Mr. Rogers of New Jersey applauded the policy of the President.

On the 19th the House resumed the consideration of the President's annual Message, and Mr. Morris of New York addressed the House in support of the policy of conditional Reconstruction. He closed by saying: "Men die, principles never. The individual who orders his life and shapes his course for no purpose other than to secure the popular applause of to-day; the party that is actuated by no loftier impulses than expediency; the Government that ignores the cardinal principles of justice and truth, must expect an ignominious grave. Statesmen and philosophers pass away and they are forgotten. But principles live on. In the ages when inscriptions which chronicle the fame of the wisest, no matter how deeply engraven, shall have been entirely effaced, these principles, radiant as were they when the stars hymned their first song of praise, shall speed on, shall prosecute their work

until the will of the Sovereign of all shall 'be done in earth as it is in heaven.'"

Mr. Patterson of New Hampshire followed Mr. Morris in a speech of marked power and beauty. He said: "Posterity will hold us accountable for the improvement of this splendid opportunity of civil liberty. It is the offspring of the ages, and has been brought to the birth in our time, amid the shock and agony of revolution, for the realization of grand and beneficent purposes in the divine economy. The Machiavellian dogma, that it matters not whether we act or how we act in these unsettled and pregnant times, is dangerous teaching.

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With all deference to the opinion of others, I think these men have no business here but to plead for pardon. The court which takes testimony from the criminal sits upon a rotten throne. The Government which seeks counsel and support from its enemies is both weak and treacherous. Sir, it is the right of those whose political tenets are universal liberty and universal justice, and who have hal-  
lowed their creed with their blood, to make conditions of return and to rebuild the shattered fabrics of State Governments on principles which will obviate future antagonisms and conflicts in the sisterhood of States. I would pay to these fallen chiefs the tribute due to men who were brave in a bad cause, and would give them the privilege to live and die in unmolested obscurity. 'All is not

lost,' even to them. They invoked war upon the land, and in 'the bloody carnival the slaves have done what their fathers did, asserted their inalienable right and made themselves free. The Nemesis of national justice has swept away the opulence which they had wrung from unrequited toil, has deprived them of the power to dispense an elegant and magnificent hospitality in the sweat of other men's brows ; but Providence has kindly left them the consolation of their hounds and fighting cocks.

\* \* \* \* \*

If we are to be one people, the deep, dark chasm which has opened in our history, which puzzles the skill of the wisest, must be spanned by frank and manly concessions and a mutual forbearance until the growth of other times shall have obliterated the horrid breach. The men who have trodden the paths of war, and whose graves lie thick and beautiful on southern plains, as the stars that keep watch in the deep vault of heaven ; the heroes who survive and the heroes who went down in the rage and wrath of battle, like grass in the swath of the mower ; they who at New Orleans and at Mobile, with rudder set and sails spread to the breeze, sailed as into the very mouth of hell, and brought forth the twin demons of treason and bondage to the light of justice and liberty, have made it impossible that a slave should ever again crouch and tremble beneath the flag of the Republic. To us belongs the duty of assuring the safety and per-

petuity of the Union. Let us do our work in the spirit of Christian charity, and in our admiration of men of noble natures and heroic mold, who dared to stand like heroes at the threshold of their homes, and to fall like men at their hearth-stones, in defense of a bad and wicked cause, let us forget our wrongs and foster a spirit of patriotism and of brotherhood, which shall embrace every State and every citizen in our broad and sea-girt domain, rich in its mountains and rich in its plains, blessed in its climates and blessed in its peoples."

Mr. Ross of Illinois denounced the sophistical theory of a dissevered Union as false and fallacious, defended the action of the President and warned the Republicans of impending disaster.

On the 9th of June Mr. Van Aernam of New York, and Mr. Eckley of Ohio, spoke for the policy of security for the future.

Mr. Julian, on the 16th, made an elaborate speech in favor of the radical policy of Reconstruction. Of Radicalism and Conservatism Mr. Julian said: "Radicalism did not believe in conciliation and compromise. It did not believe that a powerful and steadily advancing evil was to be mastered by submission to its behests, but by timely and resolute resistance. The Radicals, under whatever peculiar banner they rallied, thought it was their duty to take time by the forelock; and with prophetic ears they heard the footfalls of civil war in the distance, forewarned the country of its danger, and pointed

out the way of deliverance. In the ages to come Freedom will remember and cherish them as her most precious jewels; for had they been seconded in their earnest efforts to rouse the people and to lay hold of the aggressions of slavery in their incipient stages, the black tide of southern domination which has since inundated the land might have been rolled back, and the Republic saved without the frightful surgery of war. This exalted tribute to their sagacity and their fidelity to their country will be the sure award of history; and its lesson, like that of Conservatism, commends itself to our study.

But the war at length came, and with it came the same conflict between Conservatism on the one hand and Radicalism on the other. Their antagonisms put on new shapes, but were as perfectly defined as before. The proof of this is supplied by facts so well known, and so painfully remembered by all loyal men, that I need scarcely refer to them. Conservatism, in its unexampled stupidity, denied that rebels in arms against the Government were its enemies, and declared them to be only misguided friends. The counsel it perpetually volunteered was that of great moderation and forbearance on our part in the conduct of the war. It denied that slavery caused the war, or should in any way be affected by it. It insisted that slavery and freedom were 'twin sisters of the Constitution,' equally sacred in its sight, and equally to be guarded and

defended at all hazards. Its owlish vision failed to see that two civilizations had met in the shock of deadly conflict, and that slavery at last must perish. Even down to the very close of the contest, when the dullest minds could see the new heavens and the new earth which the rebellion had ushered in, Conservatism madly insisted on 'the Constitution as it is and the Union as it was.' Its idolized party leaders and its great military heroes were all men who believed in the divinity of slavery, whose hearts were therefore on the side of the rebellion, and whose management of the war gave proof of it. And every man of ordinary sense and intelligence knows that just so long and so far as Conservative counsels prevailed, defeat and disaster followed in our steps, and that if these counsels had not been abjured, the black flag of treason would have been unfurled over the broken columns and shattered fragments of our republican edifice."

Messrs. Kerr of Indiana, Cullom of Illinois, Trimble of Kentucky, and Sitgreaves of New Jersey closed the debate.

## CHAPTER III.

### TO PROTECT PERSONAL FREEDOM.

Mr. Wilson's bill.—Mr. Cowan's motion.—Mr. Wilson's speech.—Speech of Mr. Johnson.—Speech of Mr. Cowan.—Speech of Mr. Wilson.—Remarks of Mr. Sherman, of Mr. Saulsbury, of Mr. Trumbull.—Speech of Mr. Sumner.—Remarks of Mr. Saulsbury.—Remarks of Mr. Cowan.—Speech of Mr. Stewart.—Speech of Mr. Wilson.—Remarks of Mr. Stewart.—Speech of Mr. Wilson.—Speech of Mr. Saulsbury.

In the Senate, on the 1st day of the session, Mr. Wilson of Massachusetts introduced a bill to maintain the freedom of the inhabitants in the States declared in insurrection and rebellion, by the proclamation of the President of the 1st of July 1862. It provided "That all laws, statutes, acts, ordinances, rules and regulations, of any description whatsoever, heretofore in force or held valid in any of the States which were declared to be in insurrection and rebellion by the proclamation of the President of the first of July, eighteen hundred and sixty-two, whereby or wherein any inequality of civil rights and immunities among the inhabitants of said States is recognized, authorized, established, or maintained, by reason or in consequence of any distinctions or differences of color, race, or descent, or by reason or in consequence of a previous condition or status of slavery or involuntary servitude of such inhabitants, be, and are hereby, declared null and void, and it shall be unlawful to institute,

make, ordain, or establish, in any of the aforesaid States declared to be in insurrection and rebellion, any such law, statute, act, ordinance, rule or regulation, or to enforce or to attempt to enforce the same."

On the 13th, the bill, on motion of Mr. Wilson, was taken up and Mr. Cowan of Penn. moved its reference to the Committee on the Judiciary, as he was opposed to its consideration at that time. Mr. Wilson desired immediate action. The bill he said was based upon the proclamation, declaring certain States in insurrection and rebellion, and the proclamation of emancipation which pledged the faith of the Government to maintain the freedom of the three and a half millions of persons declared free by that proclamation. He referred to the black codes of the rebel States, to the pending legislation in some of those States, and to the outrages perpetrated upon the freedmen, and called upon Congress as a matter of humanity, to protect those people by passing the bill and annulling those laws. "Let us," he said, "pass it at once, as an act of humanity and justice, and then we can calmly proceed to re-organize, re-construct, and bring into the Union these States; but while these cruelties and wrongs are being perpetrated, I feel that Congress and all the branches of Government are incurring the indignation of men and the judgments of Almighty God. \* \* \* I offer this bill as a measure imperatively demanded at our hands. I believe



if it should pass, it will receive the sanction of nineteen-twentieths of the loyal people of the country. Men may differ about the power or expediency of giving them the right of suffrage; but I cannot comprehend how any humane, just, and Christian man can for a moment permit the laws that are on the statute-books of the States in rebellion, and the laws that are now pending before their Legislatures, to be executed upon men whom we have declared to be free.

Mr. Johnson of Maryland advocated its reference to the Judiciary Committee. He was sure that no member of the Senate desired any injustice to be perpetrated which the laws of the United States could prevent, but he did not know that there was any more pressing need for extraordinary legislation to prevent outrages upon the black race in the Southern States than to prevent outrage in the loyal States. "Crimes," he said, "are being perpetrated every day in the very justly esteemed State from which the honorable member comes. Hardly a paper fails to give us an account of some most atrocious and horrible crime. Murders shock the sense of that community and the sense of the United States very often; and it is not peculiar to Massachusetts. Moral by her education, and loving freedom and hating injustice as much as the people of any other State, she yet is unable to prevent a violation of every principle of human rights, but we are not for that reason to legislate for her."

Mr. Cowan said he had not moved the reference because he did not sympathize with the design or desire the attainment of the end contemplated. He favored opening the courts of the country to everybody, Jews, Gypsies, Chinese, and Negroes, all men of every color and condition, but he doubted if it could be done by legislation. By an amendment to the Constitution it could be done, and he was in favor of that measure.

Mr. Wilson would neither cast imputations upon the people of the rebel States, nor indulge in harsh criticism upon them. "I have never entertained," he said, "a feeling of bitterness or of unkindness to the southern people; notwithstanding all that has taken place, I have always regarded those people as my countrymen deluded and wrong, but still my countrymen. Nor do I wish to impose upon them anything that would be degrading or unmanly; but I wish to protect all the people there, of every race, the poorest and the humblest; and while I would not degrade any of them neither would I allow them to degrade others. \* \* \* \*  
To turn these freedmen over to the tender mercies of men who hate them for their fidelity to the country, is a crime that will bring the judgment of Heaven upon us.

The evidence is before us; we cannot shut our eyes to facts. The condition of the freedmen is worse to-day than on the day General Lee surrendered to General Grant. Their spirits are less buoy-

ant; they are less hopeful, less confident of their future; and we ought in Congress to say that these laws shall never more be enforced, and that these States shall not have power to pass laws to oppress men whom we have declared free, and to whom we have given the plighted faith of the Republic."

Mr. Sherman of Ohio sympathized heartily with the purpose of the bill, for he believed it to be the duty of Congress to give ample protection to the freedmen in all their natural rights. It was simply a question of time and manner. He believed it would be wiser to postpone all action upon the subject until the proclamation of the Secretary of State should announce that the Constitutional Amendment was a part of the Supreme law of the land. Then there would be no doubt of the power of Congress to pass the bill and make it general in its application.

Mr. Saulsbury of Delaware wished the country to note the extraordinary and alarming doctrines avowed in the debate. He denied that the adoption of the Constitutional Amendment gave Congress "power to enter the States and legislate for the people of the States." Mr. Trumbull of Illinois did not intend to discuss the bill; it was one of too much importance to be passed without reference to a committee. "I trust," he said, "this bill may be referred, because I think that a bill of this character should not pass without deliberate consideration and without going to some of the committees of the

Senate. But the object which is had in view by this bill I heartily sympathize with, and when the constitutional amendment is adopted I trust we may pass a bill, if the action of the people in the southern States should make it necessary, that will be much more sweeping and efficient than the bill under consideration. I will not sit down, however, without expressing the hope that no such legislation may be necessary. I trust that the people of the South, who in their State constitutions have declared that slavery shall no more exist among them, will by their own legislation make that provision effective. I trust there may be a feeling among them in harmony with the feeling throughout the country, and which shall not only abolish slavery in name, but in fact, and that the legislation of the slave States in after years may be as effective to elevate, enlighten, and improve the African, as it has been in past years to enslave and degrade him."

The Senate on the 20th resumed the consideration of the bill, and Mr. Sumner of Massachusetts, in advocating its passage, spoke of the condition of the rebel States, and the sickening and heartrending outrages perpetrated upon the freedmen. "All must admit," he said, "that the bill of my colleague is excellent in purpose. It proposes nothing less than to establish Equality before the Law, at least so far as civil rights are concerned, in the rebel States. This is done simply to carry out and maintain the Proclamation of Emancipation, by which

this Republic is solemnly pledged to *maintain* the emancipated slave in his freedom. Such is our pledge: 'and the Executive Government of the United States, including the military and naval authority thereof, will recognize and *maintain the freedom of such persons.*' This pledge is without any limitation in space or time. It is as extended and as immortal as the Republic itself. Does anybody call it vain words? I trust not. To that pledge we are solemnly bound. Wherever our flag floats, as long as time endures we must see that it is sacredly observed."

After tracing the saddening condition of affairs in the rebel States, he closed by saying: "I bring this plain story to a close. I regret that I have been constrained to present it. I wish it were otherwise. But I should have failed in duty had I failed to speak. Not in anger, not in vengeance, not in harshness have I spoken; but solemnly, carefully, and for the sake of my country and humanity, that peace and reconciliation may again prevail. I have spoken especially for the loyal citizens who are now trodden down by rebel power. You have before you the actual condition of the rebel States. You have heard the terrible testimony. The blood curdles at the thought of such enormities, and especially at the thought that the poor freedmen to whom we owe protection, are left to the unrestrained will of such a people, smarting with defeat and ready to wreak vengeance upon

these representatives of a true loyalty. In the name of God let us protect them. Insist upon guarantees. Pass the bill now under consideration; pass any bill; but do not let this crying injustice rage any longer. An avenging God cannot sleep while such things find countenance. If you are not ready to be the Moses of an oppressed people, do not become its Pharaoh."

Mr. Saulsbury thought there was apprehension in some quarters, lest the Democratic party should come into power through the agency of the President. It could not be disguised that in the party which elected the President there was an opposition party to him. If his voice could reach the President he would say that there were two millions of men who had never been in revolt, who would welcome the conflict when the battle comes if he would "stand firm to the constitutional principles he had avowed." Mr. Cowan thought if the statements of Mr. Sumner were true, the Republic was at an end, the war was a folly and all the blood and treasure expended in it had been wasted. He questioned the truth of these allegations, and trusted "this angry, irritating and exciting mode of treating the subject, which is calculated to make us anything else but friends, will be discarded hereafter."

On motion of Mr. Stewart of Nevada the Senate on the 21st resumed the consideration of the bill. Sentiments had been announced which he could not endorse, and a sense of duty compelled him to speak

upon the great questions involved in the debate. In reply to Mr. Sumner he said: "If that Senator is right, and the evidence adduced by him establishes that the great mass of the people of the South are capable of the atrocities imputed to them by anonymous witnesses paraded before this Senate, then a Union of these States is impossible, then hundreds of thousands of the bravest and best of our land have fallen to no purpose, then every house from the Gulf to the Lakes is draped in mourning without an object, then three thousand millions of indebtedness hang like a pall upon the pride and prosperity of the people, only to admonish us that the war was wicked, useless and cruel.

But we are told that although we cannot have union, although we cannot extend the blessings of the Constitution to seven millions of our fellow-citizens who reside in the late rebel States, yet we have conquest and territorial dominion which we should perpetuate regardless of ourselves and our posterity.

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Have conquest and dominion been the mottoes under which millions of the loyal men of the United States have rallied round the flag of their country? On the contrary, have not union, freedom, and equality before the law been the words of inspiration to the soldier, who poured out his blood as water, and to the nation, which expended its treasure as dross? Now that these sacrifices have been

made and the victory won, are we not bound by every obligation which reverence for the dead, regard for the living, and fear of God can inspire, to preserve, not destroy, the Constitution and Union of these States?"

Mr. Stewart declared that he was not surprised at the statements read to the Senate; he expected in the disorganized state of society in the South that crimes would be committed.

Mr. Wilson said he had introduced the bill "to meet a pressing need—it was introduced in the interests of humanity and justice. I have examined many and many pages of official records, records connected with the Freedmen's Bureau, records of military officers, and letters written by some of the foremost officers of our army, men who have made their names immortal in the history of the country. The evidence conclusively shows that great atrocities and cruelties are perpetrated upon the freedmen in various sections of the country; that the poor, dumb, toiling millions who look to us for protection are inhumanly outraged.

The Senator who has just addressed us questions the testimony adduced here by my colleague yesterday. He might as well question the massacre at Fort Pillow, and the cruelties practiced at Andersonville, where eighty-three per cent. of the men who entered the hospitals died; Andersonville, where more American soldiers lie buried than fell throughout the Mexican war; where more Ameri-



can soldiers now lie, than were killed of British soldiers in Wellington's four great battles in Spain, and at Waterloo, at Alma, Inkerman, and Sebastopol."

Mr. Stewart wished it distinctly understood that he was not opposing the passage of the bill. He was in favor of legislation that would secure the equality of the freedmen before the law, but he thought this could be done without holding the Southern States in territorial subjugation.

Mr. Wilson considered time wasted, which was consumed in disputing whether those States were in, or out of the Union. "I believe," he said, "our power is full, ample and complete, to bring back those States, to restore them, and to preserve also, the rights and liberties there, of all who breathe God's air. I would not degrade a single man in the rebel States. I would not have them degrade others, and I do not mean that they shall do it.

\* \* \* \* \*

We must see to it that the man made free by the Constitution of the United States, sanctioned by the voice of the American people, is a freeman indeed; that he can go where he pleases, work when and for whom he pleases; that he can sue and be sued; that he can lease and buy and sell and own property, real and personal; that he can go into the schools and educate himself and his children; that the rights and guarantees of the good old common law are his, and that he walks the earth, proud

and erect in the conscious dignity of a free man, who knows that his cabin, however humble, is protected by the just and equal laws of his country."

Mr. Wilson said he had read hundreds of pages of records and testimony that would make the heart sick, and he had proposed this bill for annulling those cruel laws, so that Congress could calmly proceed with the proper legislation. It was now apparent that the bill was not to pass at present. The constitutional amendment had been adopted, and he had that day introduced a bill based upon it, which had been referred to the Committee on the Judiciary, and they would probably enter on the discussion of the broader question of annulling all the black laws, and putting those people under the protection of just, and equal, and humane laws.

Mr. Saulsbury denied that there was anything in the Constitutional Amendment giving Congress power to enter a State and regulate the relations existing between the different classes and conditions in life. He did not doubt that would be the decision "when the passions of the maddened hour shall die away, and reason shall resume its throne, and the clear-headed jurists of the land shall sit in judgment upon such a question." The bill went over to the next day and was not called up again.

## CHAPTER IV.

### CIVIL RIGHTS.

Mr. Sumner's bill.—Mr. Wilson's bill.—Mr. Trumbull's bill.—Mr. Trumbull's speech.—Mr. McDougall.—Mr. Trumbull's amendment modified.—Mr. Johnson's speech.—Mr. Lane's motion to amend Mr. Trumbull's amendment.—Speech of Mr. Morrill.—Mr. Guthrie.—Mr. Lane.—Mr. Wilson.—Mr. Cowan.—Mr. McDougall.—Mr. Trumbull's reply to Mr. Hendricks and Mr. Cowan.—Passage of the bill.—The bill considered in the House.—Mr. Wilson's speech.—Mr. Raymond.—Mr. Dumont's motion to amend.—Mr. Washburn's motion to amend.—Mr. Bingham's motion to amend.—Mr. Shellabarger's speech.—Mr. Wilson's speech.—Closing debate.—Passage of the bill.—Concurrence of the Senate.—The President's veto.—Passage of the bill in Senate and House over the veto.

IN the Senate, on the first day of the session, Mr. Sumner introduced a bill supplying appropriate legislation to enforce the amendment to the Constitution. It provided that all laws or customs establishing any oligarchical privileges, and any distinction of rights on account of color or race, should be annulled, all persons in such States recognized as equal before the law, and that the Courts of the United States should have exclusive jurisdiction of all offences committed by persons not of African descent upon persons of African descent. The bill was referred to the Judiciary Committee, and on the 31st of January Mr. Trumbull reported it back with a recommendation that it be indefinitely postponed.

On the 19th of December, 1865, the Secretary of State made proclamation that three-fourths of the States had ratified the Constitutional amendment abolishing slavery. On the 21st Mr. Wilson introduced a bill to maintain and enforce the freedom of the inhabitants of the United States. It provided that all laws, statutes, acts, ordinances, rules and regulations heretofore in force, or held valid, whereby or wherein any inequality of civil rights and immunities among the inhabitants was recognized, authorized, established or maintained, by reason of, or founded upon distinctions or differences of color, race, or descent, or upon a previous condition or status of slavery, should be declared null and void, and that it should be unlawful to make, institute, ordain or establish any such law, statute, act, ordinance, rule or regulation, or to enforce or to attempt to enforce the same. The bill was referred to the Committee on the Judiciary, and on the 31st of January Mr. Trumbull reported it with a recommendation that it should be postponed indefinitely.

On the 5th of January, 1866, Mr. Trumbull of Illinois introduced a bill to protect all persons in their civil rights, and to furnish the means for their vindication, which was referred to the Committee on the Judiciary. On the 11th Mr. Trumbull reported it with amendments, and on the 12th the Senate proceeded to its consideration. It provided that there should be no discrimination in civil rights

on account of color, race, or previous condition of slavery ; but the inhabitants, of every race and color, should have the same right to make and enforce contracts, to sue, be parties and give evidence, to inherit, purchase, lease, sell, hold, and convey real and personal property, and to full and equal benefit of all laws and proceedings for the security of person and property, and should be subject to like punishment, pains and penalties, and to none other, any law, statute, ordinance, regulation or custom, to the contrary notwithstanding.

On the 29th the Senate proceeded to its consideration, and Mr. Trumbull moved to so amend the first section as to declare that all persons of African descent born in the United States should be citizens of the United States. In support of the bill, Mr. Trumbull declared that it was the most important measure since the adoption of the Constitutional Amendment abolishing slavery ; that the measure was intended to give effect to that declaration and to "secure to all persons in the United States practical freedom." The bill was intended to secure civil rights, and "with this bill passed into a law and efficiently executed, we shall have secured freedom in fact and equality in civil rights to all persons in the United States." Mr. McDougall of California desired an interpretation of the term "civil rights." "The first section of the bill," replied Mr. Trumbull, "defines what I understand to be civil rights : the right to make and enforce con-

tracts, to sue and be sued, and to give evidence, to inherit, purchase, sell, lease, hold and convey real and personal property, and to full and equal benefit to all laws and proceedings for the security of person and property. These I understand to be civil rights, fundamental rights belonging to every man as a free man, and which under the Constitution as it now exists, we have a right to protect every man in." Mr. McDougall thought all those rights should be conceded. "Do I understand," he said, "that this bill does not go further than to give protection to the enjoyment of life and liberty and the pursuit of happiness and the protection of the courts, and to have justice administered to all? Do I understand that it is not designed to involve the question of political rights?" Mr. Trumbull replied that the bill had nothing to do with political rights of parties,—it was confined exclusively to their civil rights. Mr. Saulsbury of Delaware regarded the bill as one of the most dangerous ever introduced into the Senate, or to which the attention of the American people was ever invited.

On the 30th the consideration of the bill was resumed, and Mr. Van Winkle of West Virginia declared that he had believed and had avowed the belief that persons in this country of African descent were not citizens of the United States;—"it needed a constitutional amendment to make them citizens of the United States." Mr. Trumbull modified his amendment to the first section so as to make

it read, "All persons born in the United States, and not subject to any foreign power, are hereby declared to be citizens of the United States, without distinction of color." Mr. Cowan earnestly opposed the amendment and the entire measure in principle and in policy. "It could not," he said, "be disguised that there was a growing apprehension that something was not right. That apprehension had not yet risen to alarm, but unless Congress should do something to reassure the country it would come to that condition." Mr. Howard of Michigan agreed with Mr. Cowan that there was a growing apprehension that something was wrong, but the people actually possessed a knowledge of it. He was a member of the Judiciary Committee when the constitutional amendment was drafted, and he recollected very distinctly what were the views of members of the committee; "and notwithstanding the very vehement style of the Senator from Pennsylvania, in placing a narrow and utterly ineffectual construction upon it, I take this occasion to say that it was in the contemplation of its friends and advocates to give to Congress precisely the power over the subject of slavery and the freedmen, which is proposed to be exercised by the bill now under our consideration." He believed the bill did not invade the legitimate rights of the States. "It contemplates," he declared, "nothing of the kind; but it simply gives to persons who are of different races or colors, the same civil rights. That is its

full extent; it goes no further; and I sincerely trust that this nation, having by an expenditure of blood and treasure unexampled in the history of the human race, having by their chief Executive declared the slaves in the United States forever emancipated and free, and in doing this great act appealed to the favor and approval of a just God; having employed this class of persons to the number of nearly two hundred thousand in the prosecution of our just and righteous war, will not now be found so recreant to duty, so wanting in simple justice, as to turn our backs upon the race, and say to them, 'We set you free, but beyond this we give you no protection; we allow you again to be reduced to slavery by your old masters, because it is the right of the State which has enslaved you for two hundred years thus to do.' Sir, let me tell you and the Senators who have advocated the opposite side of this question, that if we fail in this high duty, if we fail to redeem this solemn pledge which we have given to the slave, to the world, and in the presence of Almighty God, the time is not far distant when we shall reap the fruits of our treachery and imbecility in woes which we have not yet witnessed, in terrors of which even the civil war that has just passed has furnished no example."

Mr. Johnson of Maryland expressed the opinion that the object contemplated by the bill, could "only be safely and surely attained by an amendment to



the Constitution." He declared himself anxious that the colored race should be protected in their proper rights, but feared such legislation if adopted would be open to controversy. He said, "my opinion is that the emancipated slaves become citizens, and I hold that opinion so strongly that I should consider it unnecessary to legislate on the subject at all as far as that class is concerned, but to the ruling of the Supreme Court to which I have adverted."

On the 31st the Senate resumed its consideration ; and Mr. Davis of Kentucky spoke in opposition to the bill which he deemed one of the most important ever presented to Congress. He denied the citizenship of the negro ; he was no part of the governing power. The constitution "ignored the black man ; it paid no attention to him ; it was made by a different race of beings ; it did not comprehend him ; he had nothing to do with it any more than the Indian of the forest had, any more than the Chinaman in California had in the formation of the Constitution of that State."

On the 1st of February the consideration of the bill was resumed, and Mr. Morrill of Maine spoke on the pending amendment defining citizenship. He pronounced the amendment important as a declaration of American law ;—as a definition. "If there is anything," he said, "with which the American people are troubled, and if there is anything with which the American statesman is perplexed

and vexed, it is what to do with the negro, how to define him, what he is in American law, and to what rights he is entitled. What shall we do with the everlasting, inevitable negro? is the question which puzzles all brains and vexes all statesmanship. Now as a definition, this amendment settles it. Hitherto we have said that he was a nondescript in our statutes; he had no *status*; he was ubiquitous; he was both man and thing; he was three-fifths of a person for representation and he was a thing for commerce and for use. In the highest sense, then, in which any definition can ever be held, this bill is important as a definition. It defines him to be a man, and only a man in American politics and in American law; it puts him on the plane of manhood; it brings him within the pale of the Constitution. That is all it does as a definition, and there it leaves him."

Mr. Henderson, Mr. Williams, Mr. Trumbull, Mr. Johnson and Mr. Hendricks continued the debate on Mr. Trumbull's amendment defining citizenship, and it was agreed to.—Yeas 31, nays 10. Mr. Davis discussed at much length the general provisions of the bill, and without concluding yielded to a motion to adjourn. On the 2d the debate was resumed, and Mr. Davis spoke at great length, denouncing the bill as outrageous, partial, unjust, iniquitous, monstrous, diabolical;—a bill for the benefit of the free negro.

Mr. Trumbull in reply desired to know what the

bill was that was obnoxious to the terrible epithets of the Senator from Kentucky. He said, "It is a bill providing that all people shall have equal rights. Is not that abominable? Is not that iniquitous? Is not that most monstrous? Is not that terrible on white men? When was such legislation as this ever thought of for white men?"

I have a very distinct conviction," said Mr. Guthrie of Kentucky, "that this bill is not warranted by the Constitution, and is not warranted by good policy, and sound statesmanship." He was in favor of the States remodelling their laws, and he advised that there should be but one code for all persons black and white. The States must have time to act, and they were entitled to some consideration before military governments were inflicted upon them.

Mr. Hendricks earnestly opposed the passage of the bill. He was followed by Mr. Lane of Indiana in a brief and eloquent speech in its favor. He said: "My distinguished colleague, if I understand him aright, places his objection to this bill, first, upon the ground that we have pressed into the service the machinery of the fugitive slave law; and secondly, that we authorize this bill to be enforced by the military authority of the United States. It is true that many of the provisions of this bill, changed in their purpose and object, are almost identical with the provisions of the fugitive slave law, and they are denounced by my colleague

in their present application ; but I have not heard any denunciation from my colleague, or from any of those associated with him, of the provisions of that fugitive slave law which was enacted in the interest of slavery, and for purposes of oppression, and which was an unworthy, cowardly, disgraceful concession to southern opinion by northern politicians. I have suffered no suitable opportunity to escape me to denounce the monstrous character of that fugitive slave act of 1850. All these provisions were odious and disgraceful in my opinion, when applied in the interest of slavery, when the object was to strike down the rights of man. But here the purpose is changed. These provisions are in the interest of freemen and of freedom, and what was odious in the one case becomes highly meritorious in the other. It is an instance of poetic justice and of apt retribution that God has caused the wrath of man to praise Him. I stand by every provision of this bill, drawn as it is from that most iniquitous fountain, the fugitive slave law of 1850."

Mr. Wilson of Massachusetts followed Mr. Lane in advocacy of the measure. "This legislation," he said, "is called for because these reconstructed legislatures, in defiance of the rights of the freedmen and the will of the nation embodied in the amendment to the Constitution, have enacted laws nearly as iniquitous as the old slave codes that darkened the legislation of other days. The needs of more than four million colored men imperatively call for

its enactment. The Constitution authorizes and the national will demands it. By a series of legislative acts, by executive proclamations, by military orders, and by the adoption of the amendment to the Constitution by the people of the United States, the gigantic system of human slavery that darkened the land, controlled the policy and swayed the destinies of the Republic, has forever perished. Step by step we have marched right on from one victory to another with the music of broken fetters ringing in our ears. None of the series of acts in this beneficent legislation of Congress, none of the proclamations of the Executive, none of these military orders protecting rights secured by law will ever be revoked or amended by the voice of the American people.

By the will of the nation freedom and free institutions for all, chains and fetters for none, are forever incorporated in the fundamental law of regenerated and united America. Slave codes and auction blocks, chains and fetters and bloodhounds are things of the past, and the chattel stands forth a man with the rights and the powers of the freeman. For the better security of these new-born civil rights we are now about to pass the greatest and the grandest act in this series of acts that have emancipated a race and disenthralled a nation. It will pass, it will go upon the statute-book of the Republic by the voice of the American people, and there it will remain. From the verdict of Congress

in favor of this great measure no appeal will ever be entertained by the people of the United States."

Mr. Cowan thought the proposition was to substitute the bayonet and the sabre for argument, law and reason. "If this is to be," he said, "a consolidated Government, if all power is to be concentrated at Washington, if all the powers heretofore reserved to the States are to be given to this Government, let us know it."

Mr. McDougall declared that this and similar legislation was fraught with infinite mischief, infringing clearly upon the Constitution and also upon the rules of sound governmental policy. Mr. Trumbull replied to Mr. Hendricks and Mr. Cowan. The vote was taken on Mr. Hendricks' amendment to strike out the tenth section authorizing the use of the military forces to enforce the act, and the amendment was rejected.—Yeas 12, nays 34. Mr. Saulsbury maintained that civil rights included the right of suffrage, and he moved to add after the words "civil rights," "except the right to vote in the States," but the amendment was rejected.—Yeas 7, nays 39. At the suggestion of Mr. Norton of Minnesota the bill was slightly amended, and then passed by the following vote.—Yeas, 33, nays, 12.

In the House of Representatives on the 1st of March, Mr. Wilson of Iowa, chairman of the Committee on the Judiciary, moved to reconsider his motion to refer the bill to that Committee, and the

vote to refer was reconsidered. The House then proceeded to its consideration, and amended it so as to provide that there should be no discrimination in civil rights among "citizens" instead of "inhabitants." Mr. Wilson then addressed the House in support of the measure. He thought few measures of graver importance commanded the attention of Congress. He admitted that precedents both judicial and legislative were found in sharp conflict with its provisions. He declared that the line which divided these precedents was generally found to be the same which separated the early from the later days of the Republic. "The further," he said, "the Government drifted from the old moorings of equality and human rights, the more numerous became judicial and legislative utterances in conflict with some of the leading features of this bill."

Mr. Rogers of New Jersey, the democratic member of the Judiciary Committee, obtained the floor but yielded it to Mr. Raymond of New York, who called the attention of the House to a bill introduced by him early in the session, "aiming at precisely the same general object contemplated in the bill before the House, and asserting the same great principle." The bill provided that "in the matter of naturalization there should be no distinction of race or color; and that all persons born within the limits of the United States, should be declared citizens, and entitled to all rights and privileges as such."

Mr. Raymond announced his intention to move his bill as a substitute for the Senate bill when it should be in order to do so.

Mr. Rogers then spoke in opposition to the bill, pronouncing it "despotic and tyrannical as was the legislation of the British parliament, when it attempted to force upon the American colonies 'taxation without representation.'"

He was followed by Mr. Cook of Illinois, another member of the Judiciary Committee, who expressed his astonishment on finding that in the estimation of Mr. Rogers this bill was "designed to deprive somebody in some State of this Union of some right which he has heretofore enjoyed. I have examined this bill with some care, and so far as I have been able to understand it, I have found nothing in any provision of it which tends in any way to take from any man, white or black, a single right he enjoys under the Constitution and laws of the United States." He maintained that it was idle to say the freedman would be protected by the States. They had already passed laws so abhorrent to the spirit of the government and the spirit of the age, that they had been set aside by the military power. If any man believed that the freedman would be preserved without the aid of Federal legislation, he was strangely blind to the enactments passed by men who were proving day by day that they desired to oppress them.

On the 2d the House resumed the consideration



of the bill, and Mr. Thayer of Pennsylvania eloquently advocated its passage.

Mr. Hill of Indiana moved to amend the motion to recommit the bill by instructing the Judiciary Committee to so report it as to exclude from citizenship "those who have voluntarily borne arms against the Government of the United States, or given aid and comfort to the enemies thereof."

Mr. Eldridge of Wisconsin spoke briefly in opposition to the bill. The advocates of the measure he said were great sticklers for equality and insisted that there should be no distinction on account of race or color. He emphatically declared that "every provision of the bill carried upon its face the distinction, and is calculated to perpetuate it forever as long as the act shall be in force."

Mr. Dumont of Indiana moved to amend Mr. Hill's amendment so that nothing therein should be construed as re-extending the "rights of citizenship to any one who has renounced the same, or acknowledged allegiance to any government or pretended government in hostility to the United States, or held office under the same, nor to any one who voluntarily has borne arms against the United States in the late rebellion."

Mr. Miller of Pennsylvania moved to amend by adding that judges of State courts be exempted from the penalties imposed by this section.

Mr. Thornton of Illinois made a legal argument against the power of Congress to enact the bill.

He maintained that "the States had the right to determine and fix the legal *status* of the inhabitants of the respective States, the local powers of self-government, the power to regulate all the relations that exist between husband and wife, parent and child, guardian and ward, all the fireside and home rights which are nearer and dearer to us than all others."

"A true Republic," said Mr. Windom of Minnesota, "rests upon the absolute equality of rights of the whole people, high and low, rich and poor, white and black. Upon this, the only foundation which can permanently endure, we professed to build our Republic; but at the same time we not only denied to a large portion of the people equality of rights, but we robbed them of every right known to human nature. If there was any objection to the bill, it did not go far enough, but so far as it did go it was in strict conformity with the spirit and design of the grand old architects who, when they laid the foundations of our republican edifice, made these rights of human nature the chief corner-stone."

Mr. Shellabarger spoke briefly in explanation of the powers of the Government relative to naturalization. The bill was amended on motion of Mr. Wilson, by authorizing the commissioners to exercise and discharge all the powers and duties they were authorized by law to exercise with reference to offences against the laws of the United States. The fifth section relating to the powers of the commissioners,

was, on motion of Mr. Wilson, stricken out, and the bill went over to the 8th.

On that day the House resumed the consideration of the bill, and Mr. Broomall of Pennsylvania earnestly advocated its passage. The loyal allies of the Government at the south "are imploring us," he said, "to protect them against the conquered enemies of the country, who, notwithstanding their surrender, have managed, through their skill or our weakness, to seize nearly all the conquered territory. This is not the first instance in the world's history in which all that had been gained by hard fighting was lost by bad diplomacy."

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"He would never consent that the Government should desert its allies in the south and surrender their rights and interests to the enemy, and in this he would make no distinction of caste or color among friends or foes. A nation which could withdraw its protection from such allies, at such a time, without their full and free consent, could hope for neither the approval of mankind nor the blessing of Heaven."

Mr. Davis of New York had maintained and was ever ready to maintain that it was the solemn duty of the Government to protect the property and person of every loyal man, and he was ready to go as far as any one to protect loyal citizens; but he questioned that provision of the bill which provided that a judicial officer of a State, who performed his

duties in obedience to the laws of that State, was to be arrested and imprisoned, before a court of Federal jurisdiction should have pronounced upon the constitutionality of the law which prohibited him from performing his duty as a State officer.

Mr. Bingham of Ohio moved to amend the motion to recommit by adding, "with instructions to strike out of the first section of the bill the following, to wit: 'And there shall be no discrimination in civil rights or immunities among citizens of the United States, in any State or Territory of the United States on account of race, color, or previous condition of slavery.' Also to strike out all parts of said bill which are penal and which authorize criminal proceedings, and in lieu thereof to give to all citizens of the United States injured by denial or violation of any of the other rights secured or protected by said act, an action in the United States courts, with double costs in all cases of emergency, without regard to the amount of damages."

Mr. Raymond of New York said the right of citizenship "involved everything else. Make the colored man a citizen of the United States and he has every right which you or I have as citizens of the United States under the laws and Constitution of the United States. He has the right of free passage from one State to another, any law in any State to the contrary notwithstanding. He has a defined *status*; he has a country and a home; a right to defend himself and his wife and children;

a right to bear arms ; a right to testify in the Federal courts ; he has all those rights that tend to elevate him and educate him for still higher reaches in the process of elevation." He announced his readiness to co-operate with any portion of the House in securing so high and laudable an object, but he could not vote for attaining that object by unconstitutional means. "Is it just," he asked, "is it right, have we the power to say that the judge of a State court shall be punished by fine and imprisonment for enforcing a State law?"

Mr. Delano of Ohio avowed his willingness to vote for the bill if Mr. Bingham's amendment should be adopted, but he could not attempt to exercise powers by the General Government, which if carried out would endanger the liberties of the country. "We have, he remarked, "a Government of which we may be proud, a Government that is to live, a Government that rests upon granted powers of a limited character ; and if we sustain it and do not make it a tyranny, do not convert it into a usurpation, it will be a Government loved by the people, cherished by the people, wherein civil liberty will be established, I trust, forever, and the power of man for self-government be illustrated."

Mr. Kerr of Indiana made an elaborate speech against the power and expediency of passing the measure.

On the 9th Mr. Wilson of Iowa took the floor to close the debate, but yielded half of his time to

Mr. Bingham, who addressed the House in support of his amendment, and in opposition to the measure. He maintained that the term "political rights" was only a limitation of the term "civil rights," and that all political rights were embraced in the term "civil rights;" that Blackstone, whose Commentaries on the common law are so exact in definition, uses in that classic of the law the terms "civil liberty" and "political liberty" everywhere as synonymous. It never occurred to him that there was a colorable distinction between them. He maintained with John Quincy Adams, that "in time of war, whether it be civil or foreign war, the public safety becomes the highest law; and tribunals of States and institutions of States, to use his own terse words, 'go by the board for the time being.' But when peace is restored; when the courts of justice are opened; when the white-robed ministers take the golden scales into their hands, justice is to be administered under the Constitution, according to the Constitution, and within the limitation of the Constitution."

Mr. Shellabarger, with the consent of Mr. Wilson, who was entitled to the floor, spoke briefly in favor of the measure. "My mind," he said, "I frankly state has not reached satisfactorily the conclusion that there is no doubt as to whether we have power to enact the first section of this bill; and if we have not power to pass the first section, then we cannot enact the second. My mind, however, has

come to a conclusion which, although not a settled conviction in which I can say that my mind rests, yet I shall resolve the doubts which I have, if I can say I have any, in favor of the security and protection of the American citizen for which the bill is meant to provide."

Mr. Wilson then closed the debate. He said, "Sir, I do not intend to be driven or lured from the position I took at the opening of this discussion in justification of this bill, by any of the 'glittering generalities' which have been drawn into the discussion. I affirmed on that occasion, and I reaffirm here to-day, that citizens of the United States, as such, are entitled to certain rights; and I stand here to-day to affirm that being entitled to those rights it is the duty of the Government to protect citizens in the perfect enjoyment of them. The citizen is entitled to life, liberty, and the right to property."

Mr. Latham of West Virginia avowed it to be his conviction that "Congress has no right under the Constitution to interfere with the internal policy of the several States so as to define and regulate the civil rights and immunities among the inhabitants." Mr. Eldridge moved that the whole subject be laid upon the table.—Yeas 32, nays 118. The question then recurred on the motion of Mr. Bingham to amend the motion to recommit, and it was rejected. Yeas 31, nays 113. The bill was then recommitted to the Judiciary Committee.—Yeas 82, nays 70.

On the 13th Mr. Wilson of Iowa reported the bill

with an amendment, so that the section would read, "That all persons born in the United States and not subject to any foreign Power, excluding Indians not taxed, are hereby declared to be citizens of the United States; and such citizens of every race and color, without regard to any previous condition of slavery or involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall have the same right to make and enforce contracts, to sue, be parties, and give evidence, to inherit, purchase, lease, sell, hold, and convey real and personal property, and to full and equal benefit of all laws and proceedings for the security of person and property as is enjoyed by white citizens, and shall be subject to like punishment, pains and penalties, and to none other, any law, statute, ordinance, regulation, or custom to the contrary notwithstanding."

The bill was further amended by adding "that upon all questions of law arising in any case under the provisions of this act a final appeal may be taken to the Supreme Court of the United States." Mr. Hill inquired what had become of the amendment that nothing in the bill should be construed to affect the right of suffrage. Mr. Wilson replied that the amendment to the first section struck out all the general terms of the bill, and left it with the rights specified, so that provision was unnecessary. The previous question was then ordered and the bill passed.—Yeas 111, nays 38.



In the Senate on the 14th, Mr. Trumbull reported in favor of concurring in the amendment of the House, but Mr. Davis objecting, it went over. On the 15th it was taken up and the several amendments of the House concurred in. Mr. Davis then moved that the bill be postponed to the first Monday in December and entered his protest against its passage.

On the 27th the President returned the bill to the Senate with his objections. After the message had been read and ordered to be printed, Mr. Cowan moved that the Senate adjourn.—Yeas 14, nays 28. Mr. Trumbull expressed a desire to make some remarks upon the veto and the Senate then adjourned.

On the 4th of April Mr. Trumbull addressed the Senate in an elaborate and able speech in review of the veto message. He maintained that American citizenship would be worth little if it did not carry protection with it.

Mr. Johnson on the 5th spoke at length in support of the veto. "If there be anything," he said, "that may be considered as true in the past in constitutional law, it is that over every one of these rights, or to speak more correctly, over every one of the subjects to which these rights are made to attach, the jurisdiction of the States was exclusive. If Congress can legislate in relation to these rights in behalf of the black, why cannot they legislate in relation to the same rights in behalf of the

white? And if they can legislate in relation to both, the States are abolished."

Mr. Yates of Illinois reminded Mr. Johnson that he had moved to strike out of the Freedman's Bureau bill "without distinction of color," and that for the reason, that "under the Constitution of the United States as amended, abolishing slavery in all the States and Territories of the United States, the freedman occupied precisely the same position with any other citizen." "If," said Mr. Trumbull in reply to Mr. Johnson, "the Senator is right, and American citizenship, that is, being a citizen of the United States, confers no rights in a State, does not allow the citizen to leave there, or to go there, I should like to know what this American citizenship is worth, and what it amounts to." Mr. Cowan and Mr. McDougall were anxious to fix a time for taking the vote, to accommodate Mr. Dixon and Mr. Wright who were sick. No arrangement being made, Mr. Cowan proceeded to speak at great length against the measure, pronouncing it unconstitutional, atrocious, dangerous, unworthy the Congress of the United States. It was incumbent on the friends of the measure to show conclusively that "it is such a bill as we have the power to pass, and that it is one which it would be expedient and politic for us to pass." Mr. Stewart had voted for the bill and had seen no good reason why he should change his opinion. Mr. Hendricks desired to fix the hour of four on the morrow for taking the vote, and Mr.

Guthrie appealed to the courtesy of the Senate to agree upon an hour so that Mr. Wright and Mr. Dixon might be brought in to vote. Mr. Trumbull had no objection to fixing four o'clock the next day. Mr. Wade said if it was a question of ordinary legislation he would not object, but he viewed it as one of the greatest questions that had ever come before the Senate, having bearings altogether above the question on the bill. "If," he said, "the President of the United States can interpose his authority upon a question of this character, and can compel Congress to succumb to his dictation, he is an Emperor, a despot and not a President of the United States. Because I believe the great question of congressional power and authority is at stake here, I yield to no importunities of the other side. I feel myself justified in taking every advantage which the Almighty has put into my hands to defend the power and authority of this body, of which I claim to be a part; I will not yield to these appeals of comity on a question like this; but I will tell the President and everybody else, that if God Almighty has stricken one member so that he cannot be here to uphold the dictation of a despot, I thank Him for His interposition, and I will take advantage of it if I can."

This declaration was received with manifestations of applause in the crowded galleries. "The Senator," said Mr. McDougall, "is in the habit of appealing to his God in vindication of his judgment and con-

duct ; it is a common thing for him to do so ; but in view of the present demonstration, it may well be asked who and what is his God. In the old Persian mythology there was an Ormuzd and an Ahri-man—a god of light and beauty, and a god of darkness and death. The god of light sent the sun to shine and gentle showers to fructify the fields ; the god of darkness sent the tornado and the tempest and the thunder scathing with pestilence the nations. And in old Chaldean times men came to worship Ahriman, the god of darkness, the god of pestilence and famine ; and his priests became multitudinous, they swarmed the land, and when men prayed then their offerings were, ‘We will not sow a field of grain, we will not dig a well, we will not plant a tree.’ These were the offerings to the dark spirit of evil until a prophet came who redeemed that ancient land ; but he did it after crucifixion, like our great Master.

The followers of Ahriman always appealed to the same spirit manifested by the Senator from Ohio. Death is to be one of his angels now to redeem the Constitution and the laws and to establish liberty. Sickness, suffering, evil, are to be his angels ; and he thanks the Almighty, his Almighty, that sickness, danger, and evil are about.”

Mr. Guthrie did not want it to go out that we would not do a courtesy to sick Senators because we could pass a bill without their votes, when we could not if they were present. “I ask the Senate

to make this postponement and teach the Senator from Ohio that he is not the one-man power here."

Mr. Hendricks then renewed the appeal to Senators to take the vote at four on the morrow; Mr. Brown agreed to it and Mr. Conness objected. Mr. Trumbull thought the friends of the bill would gain nothing by a struggle that night, and they would try and get a vote the next day. On motion of Mr. Hendricks the Senate adjourned.—Yeas 33, nays 12.

The debate was renewed on the 6th by Mr. Wade. He said: "Some gentlemen may be patient under the charge of treason, perhaps the more so because treason is becoming popular in this day; but, sir, I am a little too old fashioned to be charged by the executive branch of this Government as a traitor on the floor of Congress, and not resent it. I do not care whether he be King or President that insinuates that I am a disunionist or traitor, standing upon the same infamous platform with the traitors of the South, I will not take it from any mortal man, high or low, without repelling the charge."

Mr. Lane of Kansas replied to Mr. Wade, and defended the action of the President. The Senator from Ohio had charged the President, he said, with treachery, with being a dictator and a despot. "As a Republican, as one devoted to the interests of that party, as a lover of my country, desirous of its early restoration, I throw back the charge of dictatorship, despotism and treachery."

Mr. Brown of Missouri would have said nothing but for the allusion of Mr. Lane to the bill guaranteeing to certain States whose governments have been usurped or overthrown, a Republican form of Government. "When that bill," he said, "was pressed upon the Senate, containing as it did a feature in it which excluded the negro in the southern States from suffrage, I for one, announced myself as utterly opposed to the bill. I furthermore stated on the floor of the Senate, publicly, that I never would vote for that bill, or for any other bill reconstructing those States, that did not guarantee to that class of citizens, the loyal colored population of the South, a right of suffrage. I desire to reiterate that statement to-day, sir, and to say that by no possibility and at no time and under no circumstances, will I cast any vote for restoring those States to their original *status* in the Union, and admitting back here their Senators to participate in our legislation, until suffrage shall have been granted to that class of people. I believe no other reconstruction will ever give peace to the South, security to the North, or permanent and contented union to both sections, to all classes and to every race." Mr. Brown further said that he did "approve of the action of the President in defeating that bill, but it was because I opposed it throughout and thought it would have been a most unjust and disastrous measure."

Mr. Doolittle of Wisconsin defended the action of the President, claiming that he was continuing

the policy of Mr. Lincoln which had received the sanction of the Republicans in Congress. Mr. Henderson thought Mr. Doolittle's argument went to show that because a man was for Mr. Lincoln's policy in 1863, he must be for Mr. Johnson's policy in 1865. The same policy might be correct in 1863 in time of war, but not equally correct in 1865.

Mr. Davis sustained the President's action. Mr. Saulsbury said: "Argument is useless; reason is thrown away. But sir, I rise to say that in my judgment the passage of the bill is the inauguration of revolution—bloodless as yet, but the attempt to execute it by the machinery and in the mode provided in the bill, will lead to revolution in blood." Mr. Yates emphatically declared that "the Union people of this country expect the Republican Union Senators to march forward in the performance of their duty."

"The majority," said Mr. McDougall, "glory now in their giant power, but they ought to understand that it is tyrannous to exercise that power like a giant. A revolution now is moving onward; it has its center in the North-east. A spirit has been radiating out from there for years past, as revolutionary as the spirit that went out from Charleston, South Carolina, and perhaps its consequences will be equally fatal, for when that revolutionary struggle comes it will not be a war between the North and its power and the slaveholding population of the South; it will be among the North men them-

selves, they who have lived under the shadows of great oaks and seen the tall pine trees bend."

The Senate then proceeded to vote upon the passage of the bill, the objections of the President to the contrary. Mr. Morgan's vote for the passage of the bill was greeted by applause in the galleries. The bill passed.—Yeas 33, nays 15.

On motion of Mr. Trumbull it was ordered "that the Secretary communicate the bill to protect all persons in the United States in their civil rights and furnish the means of their vindication, with the message of the President returning the same to the Senate with his objection, and the proceedings of the Senate thereon, to the House of Representatives."

In the House on the 9th Mr. Wilson, chairman of the Judiciary Committee, called up the veto message which was read and he then moved the previous question on its passage. Mr. Le Blond moved to lay the bill on the table, lost.—Yeas 37, nays 122. The previous question was ordered.—Yeas 102, nays 31, and the bill was passed.—Yeas 122, nays 41. Speaker Colfax then said: "On the question, 'Shall this bill pass notwithstanding the objections of the President?' the yeas are 122 and the nays 41. Two thirds of the House having upon this reconsideration, agreed to the passage of the bill, and it being certified officially that a similar majority of the Senate, in which the bill originated, also agreed to its passage, I do there-



fore, by the authority of the Constitution of the United States, declare that this bill, entitled 'An act to protect all persons in the United States in their civil rights and furnish the means of their vindication,' has become a law."

This announcement was received with an outburst of applause, in which members of the House, as well as the throng of spectators, heartily joined, and which did not subside for some moments.

## CHAPTER V.

### THE FREEDMEN'S BUREAU.

Mr. Eliot's resolution for appointment of Select Committee.—Mr. Loon's resolution.—Mr. Eliot's bill.—Mr. Doolittle's bill.—Mr. Trumbull's bill.—Mr. Howe.—Mr. Trumbull's amendment.—Mr. Cowan's amendment.—Speech of Mr. Guthrie.—Mr. Pomeroy.—Mr. Creswell.—Mr. Wilson.—Mr. Cowan. Mr. Davis' amendment.—Mr. Fessenden's amendment—his speech.—Mr. Creswell.—Mr. Willey.—Mr. Davis.—Passage of the bill.—Action in the House.—Speech of Mr. Eliot.—Mr. Dawson.—Mr. Donnelly.—Mr. Garfield.—Mr. McKee.—Amendment disagreed to.—Mr. Stevens' substitute rejected.—Substitute of Committee accepted.—Passage of the bill.—Senate.—Speeches of Mr. Guthrie—Mr. Sherman—Mr. Henderson—Mr. Trumbull—Mr. McDougall.—Mr. Guthrie's amendment rejected.—Concurrence of the House.—Mr. Davis' speech on the veto.—Mr. Trumbull.—Passage of the bill.

In the House on the 6th of December, 1865, Mr. Eliot of Massachusetts introduced a resolution which was adopted, for the appointment of a Committee of nine to which should be referred so much of the President's Message, and all papers that related to Freedmen. The Speaker appointed Thomas D. Eliot of Massachusetts, William D. Kelley of Penn., Godlove S. Orth of Indiana, John A. Bingham of Ohio, Nelson Taylor of New York, Benjamin F. Loan of Missouri, Josiah B. Grinnell of Iowa, Halbert E. Paine of Wisconsin, and Samuel S. Marshall of Illinois.

On the 18th Mr. Loan of Missouri introduced a resolution "that the select committee on Freedmen be instructed to inquire into the expediency of

ne immediate legislation securing to freedmen and colored citizens of the States recently in rebellion, the political and civil rights of other citizens."

On the 10th of June, 1866, the House on motion Mr. Ward of New York, adopted a resolution structing the committee to inquire into the allegations concerning contracts forced upon Freedmen.

On the 8th Mr. Eliot introduced a bill, "to establish Bureau for the relief of Freedmen and Refugees," which was referred to the Select Committee, and

On the 18th Mr. Eliot reported it with amendments.

In the Senate, on the 19th of December, Mr. Rollins introduced a bill relative to the Freedmen's Bureau, which was referred to the Committee on Military affairs. On the 29th of January Mr. Wilson of Mass. reported it, and on his motion was indefinitely postponed.

On the 5th of January, 1866, Mr. Trumbull introduced a bill to enlarge the powers of the Freedmen's Bureau: it was referred to the Judiciary Committee, and reported on the 11th with amendments. On the 12th the Senate proceeded to its consideration.

It provided that the act to establish a Bureau for the relief of Freedmen and Refugees should continue until otherwise provided for by law, and should extend to Freedmen and Refugees in all parts of the United States. It authorized the Presi-

dent to divide into districts the country containing Freedmen and Refugees; these districts not to exceed twelve in number and each containing one or more States; an assistant commissioner to be appointed for each district, with the advice and consent of the Senate. The Bureau in the discretion of the President could be placed under a Commissioner and assistant Commissioner, detailed from the Army. The commissioners could, with the approval of the President, divide each district into sub-districts, not to exceed the number of counties in each State, and assign an agent to each.

It further provided that the President, through the War Department and the Commissioner, should extend military jurisdiction and protection over all employees of the Bureau, and the Secretary of War was authorized to direct the issue of provisions, clothing, fuel, medicines and transportation, and to afford every aid he might deem needful for the temporary shelter and supply of the destitute Refugees and Freedmen. It also provided that the President could, for settlement in the manner prescribed by section four of the act to which this was an amendment, reserve from sale or settlement, under the homestead laws, public lands in Florida, Mississippi, and Arkansas, not to exceed three million acres, to be determined as the commissioner should prescribe.

It proposed to make valid the possessory titles granted in pursuance of General Sherman's special

field order, Jan. 16th, 1865. The Commissioner under the direction of the President was to be empowered to purchase or rent such land as should be necessary for the indigent refugees and freedmen dependent upon the Government for support; also to purchase sites and buildings for schools and asylums, to be held as United States property until otherwise disposed of. It was further made the duty of the President, through the Commissioner, to extend military protection and jurisdiction over cases in any State wherein, in consequence of any law, custom or prejudice, any civil rights and immunities belonging to white persons were denied to others on account of race or color, or previous condition of slavery or involuntary servitude, except as a punishment for crime whereof the party had been duly convicted; which punishment should not differ from that prescribed for white persons.

It was further provided that any person who should subject or cause to be subjected any negro, freedman or refugee, to the deprivation of any civil right enjoyed by white persons, or should subject or cause to be subjected any negro, freedman or refugee to any punishment different to what it was lawful to inflict upon white persons, should be deemed guilty of a misdemeanor, and be punished by fine not exceeding \$1000, or imprisonment not exceeding one year, or by both. It was further to be the duty of officers and agents of the Bureau to take jurisdiction of offences committed against

this provision. This jurisdiction in no event to be exercised in any State in which the ordinary course of judicial proceedings had not been interrupted by the rebellion, nor in any such State after it should have been restored in all its constitutional relations to the United States.

On the 18th the Senate resumed the consideration of the bill, and Mr. Stewart of Nevada said: "We have done something for the negro. The Senator from Ohio says the negro has saved us. Has not the negro had some sacrifices made for him? Was not his liberty a part of the issue involved in this war? Have not hundreds of thousands of white men fallen to vindicate that issue? Do not the desolated homes and orphans and widows throughout the North proclaim the sacrifice that has been made for the negro? Do they not proclaim a sacrifice such as no one race ever made for another before? What race, since the foundation of the earth, ever sacrificed the money, the lives, and the peace of a great country for the elevation of another, as the Americans have done?"

Mr. Howe said in reply to Mr. Stewart, that the emancipation proclamation was made to strengthen the country not to weaken it. "It was to save our own imperiled lives, our own imperiled national existence, and only for that purpose, that the late President of the United States was induced to issue that proclamation, and, as the Senator himself says,

to make us stronger, not weaker, to make our sacrifices less, not greater."

Mr. Trumbull moved to amend so that it would read, "That the occupants of land under Major General Sherman's special field order, are hereby confirmed in their possessions for the period of three years from the date of said order, and no person shall be disturbed in, or ousted from, said possession during the said three years, unless a settlement shall be made with said occupant by the owner satisfactory to the Commissioner of the Freedmen's Bureau." Mr. Trumbull explained the provisions of General Sherman's order. Mr. Sumner thought three years was a small allowance of time for a general grant of what is called a possessory title without any limitation of time. Mr. Trumbull believed homesteads were of great importance, but we could not well secure the fee to the land, we could only protect them in possession a reasonable time.

On the 19th Mr. Hendricks, a member of the Judiciary Committee, said he was not able to concur with the committee in reporting the bill. Mr. Trumbull in reply to Mr. Hendricks said: "This Freedmen's Bureau is not intended as a permanent institution. It is only designed to aid these helpless, ignorant, and unprotected people until they can provide for and take care of themselves."

"I say as one of the Representatives of Delaware

on this floor," said Mr. Saulsbury, "that she had the proud and noble character of being the first to enter the Federal Union under a Constitution formed by equals. She has been the very last to obey a mandate, legislative or executive, for abolishing slavery. She has been the last slaveholding State, thank God, in America, and I am one of the last slaveholders in America."

Mr. Trumbull remarked that he did not see what Mr. Saulsbury's declaration had to do with the question under discussion, and continued, "His State may have been the last to become free, but I presume that the State of Delaware, old as she is, being the first to adopt the Constitution, and noble as she is, will submit to the Constitution of the United States, which declares that there shall be no slavery within its jurisdiction. It is necessary to extend the Freedmen's Bureau beyond the rebel States in order to take in the State of Delaware, the loyal State of Delaware, I am happy to say, which did not engage in this wicked rebellion ; and it is necessary to protect the freedmen in that State as well as elsewhere ; and that is the reason for extending the Freedmen's Bureau beyond the limits of the rebellious States." He trusted there would be no occasion for exercising the authority conferred by the bill ; but that the people of the rebel States would conform to the existing condition of things. Mr. Hendricks, to test the question of the continuous character of the measure, moved to strike out



the words "shall continue in force until otherwise provided by law." Pending this amendment the Senate adjourned.

On the 20th the consideration was resumed, and Mr. Hendrick's amendment rejected. Mr. Cowan moved to amend so as to confine its operations to such States "as have been in rebellion." He had "no idea of having this system extended over Pennsylvania." Mr. Guthrie would like to know the peculiar reasons for extending the bill to Kentucky. "Is it because Kentucky has stood by the Union during the strife, is it because she has been desolated as she has been in this contest, that the Freedmen's Bureau is to be extended to her?" Mr. Pomeroy wished to know if he understood the Senator from Kentucky to say that "the code relating to slavery was made null and void by the Constitutional amendment." "That is my opinion," replied Mr. Guthrie. Mr. Pomeroy was gratified to learn that that doctrine was held in Kentucky. He thought the Senator from Kentucky entirely misunderstood the position of Republican Senators. "Everything ought to be required for safety, but nothing for revenge, nothing by way of punishment."

On the 22d the Senate resumed the consideration of the bill, the pending question being on Mr. Cowan's motion to so amend it as to operate only in the rebel States. Mr. Creswell said, "I sincerely hope that that amendment will not be adopted.

There is assuredly a necessity for the operation of this bill in the State which I in part represent on this floor. I have received within the last two or three weeks letters from gentlemen of the highest respectability in my State, asserting that combinations of returned rebel soldiers have been formed for the express purpose of persecuting, beating most cruelly, and in some cases actually murdering the returned colored soldiers of the Republic. In certain sections of my State the civil law affords no remedy at all. It is impossible there to enforce against these people so violating the law, the penalties which the law has prescribed for these offences. It is, therefore, necessary, in my opinion, that this bill shall extend over the State of Maryland."

Mr. Wilson said, "It will be remembered by Senators, that from the time Mr. Trumbull, on the 22d day of July, 1861, reported in favor of making free the slaves used by rebels for military purposes, down to the triumphant passage through the House of Representatives the other day, of the equal suffrage bill for the District of Columbia, timid friends and opponents alike have indulged in predictions in regard to the results of our legislation here. Although in all cases their prophetic utterances have been falsified by time and the facts, and though the records of the country will show to all coming time that they were wrong and the friends of the series of measures were right, that anti-slavery measures weakened the enemies and strength-

ened the friends of the country, that anti-slavery measures lifted up our Republic in the eyes of the Christian and civilized world, and brought down upon it the blessings of Almighty God, they still continue to prophesy and to oppose the completion of the great work that will establish universal liberty in America."

Mr. Cowan said, "if this Freedmen's Bureau is to exist at all, if it has any color of authority in the world, it is only that color which it derives from the fact that we occupy a belligerent attitude toward the States lately in rebellion, and not because we have authority by municipal enactments to carry our tribunals there and interfere in their internal police regulations. The Senator from Massachusetts says, however, that we must keep up with the spirit of the age, that it is onward, and that there are certain great ideas which must be carried out, and which will be carried out, and according to his notion he and his people are determined to carry out. Well, sir, that is all in the future. There are a great many people who live outside of the Commonwealth of Massachusetts, and there are a great many people, I think, who live within that Commonwealth who are not exactly prepared to indorse all the revolutionary measures which are introduced into this Congress, and which are supposed to have their origin there.

\* \* \* \* \*

The honorable Senator from Massachusetts says

that all men in this country must be equal. What does he mean by equal? Does he mean that all men in this country are to be six feet high, and that they shall all weigh two hundred pounds, and that they shall all have fair hair and red cheeks? Is that the meaning of equality? Is it that they shall all be equally rich and equally jovial, equally humorous and equally happy? What does it mean? Does he mean that they shall all equally come to the Senate of the United States, that they shall all equally sit in the House of Representatives, that they shall all equally hold office?"

In reply Mr. Wilson said "the Senator professes to be a friend of the negro, but he has sturdily opposed anti-slavery legislation, and his words are intended to belittle a weak and struggling race. If there be a man on the floor of the American Senate who has tortured the Constitution to find power to arrest the voice of a nation striving to make free a race, the Senator from Pennsylvania is the man.

\* \* \* \* \*

It has been this hesitation, this timidity, this quibbling that has been a burden for us to carry; and there are more Senators than one upon this floor who know that we have not only had this great cause of the country and freedom to carry through the war, but we have had to carry the weakness of hesitating, halting, and uncertain public men. I do not say that we have had to carry the Senator from Pennsylvania, for he did not go

at all; he neither took himself nor let us carry him; he was not much of a burden to us and not much of a stop in our way in the past, and he will not be in the future. He was not of us; he is not of us now, or he would not rise here and utter these sneers about the negro's heel and the negro's leg. The negro may not have so fine a leg as the Senator from Pennsylvania, but there are many negroes who have hearts quite as good as the heart of that Senator; and I know some of them with brains as capacious and as well trained as his own. Sir, it is time for men who rally around the standard of the great Union Republican party of the country to understand that this Christian people, with their keen sensibilities, their broad humanities, and their ripe intelligence—for there is combined in the Republican party a degree of intelligence and character never before associated in any political organization—do not want their feelings wounded by these vulgar sneers at a poor, oppressed race, which has been kept down for centuries, wronged and outraged.”

\* \* \* \* \*

“The Senator from Pennsylvania asks me what I mean by the equality of men. Does he not know precisely what we do mean? Does he not know that we mean that the poorest man, be he black or white, that treads the soil of this continent, is as much entitled to the protection of the law as the richest and the proudest man in the land? Does

he not know that we mean that the poor man, whose wife may be dressed in cheap calico, is as much entitled to have her protected by equal law as is the rich man to have his jeweled bride protected by the laws of the land? Does he not know that the poor man's cabin, though it may be the cabin of a poor freedman in the depths of the Carolinas, is entitled to the protection of the same law that protects the palace of a Stewart or an Astor?

He knows that we have advocated the rights of the black man because the black man was the most oppressed type of the toiling men of this country. The man who is the enemy of the black laboring man is the enemy of the white laboring man the world over. The same influences that go to keep down and crush down the rights of the poor black man bear down and oppress the poor white laboring man.

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I tell the Senator from Pennsylvania that I know we shall carry these measures. God is not dead, and we live, and standing upon the eternal principles of His justice, with a Christian nation behind us, and with God's commands ever ringing in our ears, we shall in the future, as we have in the twenty-five years of the past, march straight forward to battle and to victory over all opposition."

Mr. Cowan said in reply, "I feel obliged to apologize for being unable to attain the sublime height of bragging from which the honorable Senator from Massa-

has spoken ; he asserts in face of the Senate in face of the American people, that he and his peers of the Anti-Slavery Society, have desisted from slavery ; that it was the result of their five years of toil and struggle. I tell him that he and his set were really—I do not say intended it—the allies of the rebellion ; were its main support and strength ; and when when Davis comes to make his dying confession, would chance to be at his elbow, I should want that at that last moment, when the truth comes to tell to tell who it was that gathered the whole world around a man around the standard of rebellion ; was was that down there infused the bitterness of the fight which characterized it from end to end ; so that it was that enabled that weak people to undergo such a tremendous struggle as that the world has ever saw the like of it, and I will tell you that you will say it was. He will tell you that when he died he had not half the people about him ; I will tell you that the secessionists of the South went into that rebellion were not half of the

Who, then, drove the other half to him ? Was it the same Anti-Slavery Society that, when we heard the cannon roaring and the sabre clashing and the sword thrusting, and the work going on, could not open its tongue, and must be making the people of the South believe that the war, instead of being for the Constitution and the laws, was to destroy slavery."

"The Senator tells us," replied Mr. Wilson, "that if he were to stand by Jeff Davis in his dying hour, Davis would whisper into his ear that it was this Anti-Slavery sentiment, this opposition to slavery here, that banded together his men in the South and enabled him to continue the contest. We have heard that assertion often enough, and there is not the shadow of a shade of truth or reason in it. It has served its purpose, and it is quite time it was abandoned. Every vote given in this Senate, every act passed by Congress that weakened slavery or emancipated a slave, weakened the rebellion and strengthened the country; and history will so pronounce. Sir, you will find that just as the idea pervaded the rebel States that Slavery was a lost institution, just in that proportion they gave up the hope of triumph and yielded."

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"I insist upon it, the country will insist upon it, that we shall not peril one single right of the poorest man that treads the soil of the country. This position I shall maintain; for I would rather have the thanks of one poor black boy away down in the depths of Carolina, that I may never see and never know, than to receive the compliments of the proudest man in the land who would take away or impair the rights of the poorest of the sons or daughters of toil."

"I never supposed," said Mr. Guthrie, "that the majority of this Senate did not mean to pass this



bill and the one that is to follow it, that have been reported from the Committee on the Judiciary, the best legal minds in the body. They assume that it is a necessity and therefore constitutional in their view. But sir, I did hope that Kentucky would be exempted from its operation; that this last cup of bitterness and trial would not be put to the lips of a State that had suffered as much as Kentucky by her loyalty to the Union." The question was then taken on Mr. Cowan's amendment and it was rejected.—Yeas 11, nays 33.

Mr. Davis moved to amend the bill by striking out the words, "the President of the United States through the War Department and the Commissioner shall extend military jurisdiction over all employees, agents, and officers of this bureau." The amendment was opposed by Mr. Trumbull and rejected.—Yeas 8, nays 31. On motion of Mr. Fessenden the bill was amended so as simply to authorize the extension of military protection over the employees of the Bureau while engaged in the duties imposed by this act. Mr. Saulsbury moved to strike out the 2d section of the bill dividing the States into sub-districts, but it was rejected.

The debate was opened on the 23d by Mr. Saulsbury. He predicted that the Democratic party would soon be in power. Mr. Fessenden said: "The honorable Senator who has just spoken, in the close of his remarks prophesies that if we proceed in the system of measures that we have decided upon, the Democratic party will very soon

be in possession of both halls of Congress. I do not know that I should hesitate a great while in doing that which I thought to be right and just even in view of such a calamity. I acknowledge the force of the prophecy in one sense; and that is, that when he tells us such will be the result, I feel that the innumerable evils that would follow from it are such as might well make us pause. If I really believed that such a consummation was to come about in any short time from any system of measures we have adopted or were about to adopt, I should dread so much the evils that would follow, that perhaps I might hesitate. I do not apprehend, however, that that calamity is so near at hand that an apprehension of it ought to influence my action on measures that I think to be proper and just in themselves."

He further declared that he accepted no such doctrines. "Whether you call it the war power or some other power, the power must necessarily exist, from the nature of the case, somewhere, and if anywhere, in us, to provide for what was one of the results of the contests in which we have been engaged. All the world would cry shame upon us if we did not. \* \* \* I believe we should go on, pass this measure and the series of measures that we have decided upon, and carry them into execution. Gentlemen will make an outcry about their unconstitutionality; they will threaten us with the growth of the Democratic party, and what is to come after. We will try to possess our souls

in patience, and wait until the calamity comes, and, when it does, meet it with the best grace we can."

Mr. McDougall rose, he said, to reply to a single observation which caught his ear as the Senator from Maine was taking his seat: the last remark when he says, "We have settled these things; we have determined that we will do this." He declared that wickeder or worse words were never said in any high council hall in the world, and they never should be said in this council hall; he said the office of Senator had been degraded, that the Senator from Maine was boasting of it, "that calling his clansmen to his heels, he with his retainers can achieve a triumph against all argument, against all reason, against the best judgment of men here on the floor."

- Mr. Hendricks replied to portions of Mr. Fessenden's speech. The debate was further continued by Mr. Trumbull and Mr. Davis. Mr. Johnson said: "I believe—I speak it under the correction of what may be the better information of my colleague—the negro is as safe in Maryland as he is in Massachusetts. There may be occasionally horrible outrages perpetrated upon him as there are occasionally in Massachusetts outrages perpetrated upon white men and white women; but I think they are exceptions to the general rule."

Mr. Creswell did not agree with Mr. Johnson touching the safety of the black race in Maryland. "I am satisfied," he said, "as well as I can be of any-

thing, that unless the Government interposes by such a measure as this, these people who have done their best to sustain it in the hour of trial will be driven from our State, which I should conceive to be a lasting and a burning shame to the State in which I live, as well as to the Government that has heretofore profited by their services."

The bill was farther considered on the 24th, the pending question being to strike out the 5th section and insert Mr. Trumbull's amendment to secure the freedmen in their possession of land for the period of three years from the date of General Sherman's order.

Mr. McDougall spoke in opposition to the amendment and to the general provisions of the bill. He declared that the bill proposed to create a large mass of new offices. \* \* \* He said that "the negro of the South has the same privilege that I have to go to work and earn his living, to do it by his wit or do it by his hands. Thousands of white boys in the North with difficulty get clothing enough to warm them in the hyperborean regions. Many of them have hardly sufficient covering to protect them properly on their way to the country school; and they have to fight their way in the world. Millions have to fight and have fought their way in this country; and cannot the negro do it? Many people come to our shores from foreign lands with simply the means to deliver themselves at our ports. Do we take care of them? Not at all. If

the negro, being made free, cannot take care of himself, how long shall we be his guardians, and take more care of him than we do of the poor boys of our own race and people."

Mr. Davis declared it to be a great problem "whether there is not national as well as individual insanity. I believe that there is such a thing as national insanity; but when insanity seizes upon a nation it is not in the form of general insanity; it is only monomania. I am perfectly satisfied that that form of insanity has seized upon this nation, that it rests in the two houses of Congress, that it droops over the Senate with fatal mischief to the nation and to the people."

Mr. Willey of West Virginia said: "Whatever my friend from Kentucky may know about the habits of the negroes, I think he is very much mistaken in regard to their habits of idleness. They have been idle; but who would not be idle if his labor was not to result in his own benefit? Who would not be idle if he received no wages for his toil? What race would not be, comparatively, in the condition in which the Senator has represented the colored race, who for long ages had been held in slavery, receiving nothing for their toil but a bare pittance to live upon? Give them hopes, give them a prospect of bettering their condition in the future, adopt measures that will tend to stimulate industry and to stimulate a hope of improvement in their condition, and that idleness, to some extent at least,

will pass away. It must be admitted, however, that from the habits, education, and condition of the negro, he has hitherto been a dependent being."

"I beg to inform my honorable friend," replied Mr. Davis, "that it was the free negro exclusively of whom I was talking and whom I was describing. The slave negro is made to work, or has been heretofore, by his master.

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The vagabond negroes that are hovering over this Capitol like a dark cloud have been allured from labor to idleness by the measures of Congress. It is such measures as this that seduce them from labor, from throwing themselves upon their own resources, as the honorable Senator from West Virginia says they ought to be thrown, and that brings them here. If you would just introduce measures that would start these lazy, indolent negroes from this Capitol out to work, they could themselves make enough to subsist all the paupers, and ten times as many, in this District of Columbia. This is only one rendezvous of the lazy, indolent negroes. There are thousands of them scattered all over the whole of the slave States."

The question was on the amendment of the Senator from Kentucky to strike out the sixth section of the bill, as amended, upon which the yeas and nays had been ordered. The question being taken by yeas and nays, resulted—Yeas 10, nays 32; so the amendment was rejected.

Mr. Davis moved to amend it so that it should only operate in States in which the laws could not be administered, in the civil courts. Lost.—Yeas 10, nays 36.

Mr. McDougall moved “That the President be empowered and directed to execute the Constitution, and laws enacted under the same, for the protection and benefit of freedmen and refugees, and that he may use such of the military force of the country for this purpose as he may find necessary.”

Mr. McDougall then addressed the Senate in support of his amendment; he said, “I know, for one, that nothing but red and white blood courses through my veins. I believe in the Pelasgians, who drove the Egyptians out of Greece, and the Hyperboreans, who became the demigods of that same country, from whom Theseus and Hercules are supposed to have descended, white-haired, great, godlike looking men. I believe something in that Scandinavian race that came from the frozen North, swept the shores of Europe, and settled themselves on the most beautiful islands of the great sea. I believe something in the Saxon and the Celt. But the Numidian, proud and noble as he is said to have been, and the Carthaginian, not of northern, but of high eastern blood, went down, and so did India, and so did the East, and so did Italy, even before the northern barbarians. There is a law of force and there is a law of truth. Who that calls him-

self of the old Norse ancestry would dare bow himself before those who come up out of central Africa, and acknowledge them as having to do with government? What, sir, they to govern me! God forefend!

\* \* \* \* \*

But as a race you can give me no illustration, from Fred. Douglass all the way through the category, of a single individual of them who is or was a grave, careful, considerate, and high reasoning man. None of them ever gave a thought to philosophy; none of them ever studied, beyond the mere matter of management, anything about government; none of them have achieved success in any field where belongs high intellectuality. These are things that I affirm and dare affirm, because no part of history furnishes any contradiction to what I say." The amendment was rejected.—Yeas 8, nays 32.

On the 25th Mr. Davis spoke at great length in opposition to the measure in principle and substance. The debate was further continued by Mr. Sherman, Mr. Trumbull and Mr. Johnson and then passed. The yeas and nays were ordered, and being taken, resulted—Yeas 37, nays 10.

In the House the bill, on motion of Mr. Eliot was referred to the Select Committee on Freedmen of which he was chairman. On the 30th Mr. Eliot reported it with an amendment in the nature of a substitute. Mr. Donnelly moved to amend so that the Commissioner might be authorized to provide



a common school education for all refugees and freedmen who should apply for it.

Mr. Eliot then proceeded to address the House in favor of its passage. He said: "On the 3d day of last March the bill establishing a Freedmen's Bureau became a law. It was novel legislation, without precedent in the history of any nation, rendered necessary by the rebellion of eleven slave States and the consequent liberation from slavery of four million persons whose unpaid labor had enriched the lands and impoverished the hearts of their relentless masters. No thoughtful man could have observed the early successes of our Union armies without discerning the great work which final triumph would render needful.

\* \* \* \* \*

At an early day, when the fortunes of war had shown alternate triumphs and defeats to loyal arms, and the timid feared and the disloyal hoped, it was my grateful office to introduce the first bill creating a bureau of emancipation. It was during the Thirty-Seventh Congress. But although the select committee to which the bill was referred was induced to agree that it should be reported to the House, it so happened that the distinguished chairman, Judge White, of Indiana, did not succeed in reporting it for our action. At the beginning of the Thirty Eighth Congress it was again presented, and very soon was reported back to the House under the title of "A bill to establish a Bureau of

Freedmen's Affairs.' It was fully debated and passed by the House. The vote was sixty-nine in favor and sixty-seven against the bill; but of the sixty-seven who opposed it fifty-six had been counted against it, because of their political affinities. On the 1st of March, 1864, the bill went to the Senate. It came back to the House on the 30th of June, four days before the adjournment of Congress. To my great regret the Senate had passed an amendment in the nature of a substitute attaching this bureau to the Treasury Department. But it was too late to take action upon it then, and the bill was postponed until December. At that time the House non-concurred with the Senate, and a committee of conference was chosen. The managers of the two Houses could not agree as to whether the War Department or the Treasury should manage the affairs of the bureau. They therefore agreed upon a bill creating an independent department neither attached to the War nor Treasury, but communicating directly with the President, and resting for its support upon the arm of the War Department. That bill was also passed by the House but was defeated in the Senate. Another conference committee was chosen, and that committee, whose chairman in the House was the distinguished gentleman from Ohio, then and now at the head of the Military Committee, agreed upon a bill attaching the bureau to the War Department

and embracing refugees as well as freedmen in its terms. That bill is now the law."

On the 31st Mr. Dawson of Pennsylvania spoke at length against it; he was opposed, he said, "to all its provisions." He maintained that "the Government was made for the white race, and it is our mission to maintain it. Negro suffrage and equality are incompatible with that mission. We must make our own laws and shape our own destiny. Negro suffrage will, in its tendency, force down the Anglo-Saxon to the negro level, and result inevitably in amalgamation and deterioration of our race.

\* \* \* \* \*

It is impossible that two distinct races should exist harmoniously in the same country, on the same footing of equality by the law. The result must be a disgusting and deteriorating admixture of races, such as is presented in the Spanish States of America by the crossing of the Castilian with the Aztec and the negro."

Mr. Taylor of Tennessee followed in opposition. He thought it possible to do too much as well as not enough; by doing too much the negro's dependence was prolonged and his idleness encouraged. He thought they should have the fostering care of the Government through the military power.

On the 1st of February Mr. Donnelly of Minnesota said: "The Southern insurrection was but the armed expression of certain popular convictions,

which in their turn arose from peculiar social conditions. The disease was radical and the remedy must be no less so. We must lay the axe to the root of the tree. We must legislate against the cause, not the consequences; otherwise we become the mere repressors of disturbances, not a wise and provident Government; we play the part of the executioner, not the law-maker.

\* \* \* \* \*

We must hold our faith. We made great vows to God when the fury of the tempest smote us, and night and darkness seemed settling down upon our frail bark forever. Let us not, like the drunken sailors of the Mediterranean, abandon those vows amid the profligacy of the harbor. It becomes a great people to hold its faith as the most sacred thing beneath the wide canopy of the heavens."

Mr. Garfield of Ohio followed in a speech of power and beauty. He said: \* \* \* "These capacious powers are in our hands. How shall we use them? I agree with my friend from Connecticut [Mr. DEMING] that we need not apply the *strictissimum jus* to these conquered people. We should do nothing inconsistent with the spirit and genius of our institutions. We should do nothing for revenge, but everything for security; nothing for the past, everything for the present and the future. Indemnity for the past we can never obtain. The four hundred thousand graves in which sleep our fathers and brothers, murdered by rebellion, will

keep their sacred trust till the angel of the resurrection bids the dead come forth. The tears, the sorrow, the unutterable anguish of broken hearts can never be atoned for. We turn from that sad but glorious past, and demand such securities for the future as can never be destroyed.

And first, we must recognize in all our action the stupendous facts of the war. In the very crisis of our fate God brought us face to face with the alarming truth that we must lose our own freedom or grant it to the slave. In the extremity of our distress we called upon the black man to help us save the Republic, and amid the very thunder of battle, we made a covenant with him, sealed both with his blood and ours, and witnessed by Jehovah, that when the nation was redeemed, he should be free and share with us the glories and blessings of freedom. In the solemn words of the great proclamation of emancipation, we not only declared the slaves forever free, but we pledged the faith of the nation 'to maintain their freedom,'—mark the words, '*to maintain their freedom.*' The Omniscient witness will appear in judgment against us if we do not fulfill that covenant. Have we done it? Have we given freedom to the black man? What is freedom? Is it a mere negation; the bare privilege of not being chained, bought and sold, branded and scourged? If this be all, then freedom is a bitter mockery, a cruel delusion, and it may well be questioned whether slavery were not better."

On the 2d Mr. Kerr of Indiana spoke at great length in opposition to the bill in all its forms. On the 3d Mr. Marshall of Illinois, a member of the select committee, spoke in opposition. He said: "I deny at the very outset that this Federal Government has any authority to become the common almoner of the charities of the people. I deny that there is any authority in the Federal Constitution to authorize us to put our hands into their pockets and take therefrom a part of their hard earnings in order to distribute them as charity. I deny that the Federal Government was established for any such purpose, or that there is any authority or warrant in the Constitution for the measures which are proposed in this most extraordinary bill."

Mr. Marshall was followed by Mr. Hubbard of Connecticut, who said: "I feel proud of my country when I behold it stretching out its strong arm of power to protect the poor, the ignorant, the weak and the oppressed. I see in it the prosecution of a righteous purpose which cannot fail to secure the favor of Heaven. I see in it that which will bring my country a richer revenue of honor than all the eloquence of her forums or the glory of her battle-fields. I see in it infallible evidence that the nation is fast becoming what it was intended to be by the fathers—the home of liberty and an asylum for the oppressed of all the races and nations of men."

Mr. Moulton of Illinois followed in a legal argu-

ment for the measure, he said: \* \* \* "The very object of the bill is to break down the discrimination between whites and blacks. The object of the bill is to provide where the refugees and freedmen are discriminated against, where a State says, as many do in the South, that the black man shall not make contracts, that the black man shall not enjoy the fruits of his labor, that he shall be declared a vagabond, a vagrant, and the same laws do not operate against the white men—that such discrimination shall not exist, notwithstanding the statutes of any State."

Mr. Ritter of Kentucky denounced the bill; it became necessary, he said, because we had abolished slavery and for no other reason. Mr. Shanklin of Kentucky followed in denunciation of the measure. "The bill authorizes the purchase of land for the erection of school-houses and other institutions necessary for the Freedmen. If school-houses be erected, you must have preachers or teachers; and no doubt those political preachers who have covered the land during the war will be the favored recipients of these appointments. You must provide for them, and they will doubtless be sent to those school-houses to teach those freedmen. What will they teach them? I suppose that in the first place they will teach them to spell a little and read a little; and then I suppose they will be taught a little of the Lord's will and a great deal of the wiles and wickedness of the devil."

Mr. Rousseau of Kentucky denounced the bill and predicted that seven-tenths of the people would come to the support of the President in his policy. Mr. Phelps of Maryland followed in opposition to the measure. "Is this House willing," he asked, "is the country willing, to intrust such an enormous and unlimited fund to the untrammelled discretion of any officers of the Government, to be used by partisans for partisan purposes?"

Mr. Chanler of New York objected to the bill as unnecessary and unconstitutional. He said, "It usurps powers fatal to representative government; it is partisan in its character; it interferes with legitimate trade; checks and diverts immigration by special legislation; it strikes at State limits and State sovereignty; it seeks to control the relation of labor and wages to the injury of white labor throughout the Union."

On the 5th Mr. Trimble of Kentucky charged the party pressing this bill with "invading the rights of the South, invading the States, invading our homes and our firesides, by officers unknown to the Constitution and by authority unwarranted by the Constitution." Mr. Grinnell of Iowa declared that "interest, honor and humanity, were alike involved in carrying out the provisions of this Freedman's bill."

Mr. McKee of Kentucky spoke eloquently for the passage of the bill. He said: "They have told us this is a bill to humiliate the South, to humiliate



‘that brave and chivalric people,’ and to lower their dignity ; my own opinion is, that it needs to be brought down.

\* \* \* \* \*

Shall we say to the sixty thousand martyrs—victims to a cruelty more barbarous, deep, damning, and devilish than the world has ever seen, who went down to their graves starved in rebel prison pens—shall we say to those brave martyrs and to their widows and little ones at home, ‘Your graves are ruled over to-day by the same men that looked up to heaven and thanked God, while they had you in their power, that they had it thus in hand to see the Yankees die?’ Let us say to the widow and orphan of the brave soldier who, with his last dying gaze, as he lay starving in those horrid dens of iniquity, looked up to heaven, and his soul went to God as he thought of the loved ones at home, ‘The brave man perished a martyr to liberty, and as his redeemed spirit looks out through the windows of heaven it beholds a land redeemed, disenthralled, and free.’”

Mr. Raymond of New York had no apprehension as to the practical working of the law, and he added, that the general purpose of the bill seemed to be of such a nature that Congress had, in his opinion, no right to refuse to take the steps necessary to its attainment. The debate was then closed by Mr. Eliot.

On the 6th the bill was called up by Mr. Eliot.

The first question was the motion of Mr. Smith of Kentucky to except his State from its operation. The amendment was disagreed to.—Yeas 34, nays 131. The question was then taken on Mr. Stevens' substitute, for the substitute of the Committee on Freedmen and it was rejected.—Yeas 37, nays 126. The substitute of the Committee for the Senate bill was then agreed to, and the bill as amended passed.—Yeas 136, nays 33.

In the Senate on the 7th, on the motion of Mr. Trumbull, the House amendment was ordered to be printed and referred to the Judiciary Committee. On the 8th it was reported by Mr. Trumbull. "The House," he said, "has inserted words limiting the operation of the Freedmen's Bureau to those sections of country within which the writ of *habeas corpus* was suspended on the 1st day of February, 1866. As the bill passed the Senate, it will be remembered that it extended to refugees and freedmen in all parts of the United States, and the President was authorized to divide the section of country containing such refugees and freedmen into districts. The House amend that so as to authorize the President to divide the section of country within which the privilege of the writ of *habeas corpus* was suspended on the 1st day of February, 1866, containing such refugees and freedmen, into districts. The writ of *habeas corpus*, on the 1st day of February last, was suspended in the late rebellious States, including Kentucky, and in none other. The writ of *habeas corpus* was restored by

the President's proclamation in Maryland, in Delaware, and in Missouri, all of which have been slaveholding States."

The Judiciary Committee recommended a concurrence with the House in an amendment to strike out the words "within which the privilege of the writ of *habeas corpus* was suspended on the 1st day of February, 1866," so that the law would operate in all parts of the United States. Mr. Guthrie earnestly opposed the application of the bill to Kentucky. "While you cry," he said, "for justice to the African, you are not slow to commit wrong and outrage on the white race." Mr. Sherman spoke in advocacy of the measure, and Mr. Henderson declared that he would not have voted for the bill if it had not been carried into Missouri, and if the amendment of the House was adopted he would not vote for it. "I live in a State," said Mr. Henderson, "that was a slaveholding State until last January a year ago. I have been a slaveholder all my life until the day when the ordinance of emancipation was passed in my State. I advocated it, and have advocated emancipation for the last four years, at least since this war commenced. Do you want to know how to protect the freedmen of the southern States? This bill is useless for that purpose. It is not the intention of the honorable Senators on this floor from northern States who favor this bill, to send military men to plunder the good people of Kentucky. It is an attempt to enforce this moral and religious sentiment of the peo-

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ple of the northern States. Sir, these freedmen will be protected. The decree of Almighty God has gone forth, as it went forth in favor of their freedom originally, that they shall be endowed with all the rights that belong to other men. Will you protect them? Give them the ballot, Mr. President, and then they are protected."

Mr. Trumbull said, "I do want to say a word to the honorable Senator from Kentucky. I wish we could understand ourselves better. If I know my own heart, I am for harmony, I am for peace; and God forbid that I should put a degradation on the people of Kentucky. I never thought of such a thing. I would sooner cut off my right hand than do such a thing. What is it that so excites and inflames the mind of the Senator from Kentucky that he talks about the degradation that is to be put upon her, the plunder of her people, the injustice that is to be done her inhabitants? Why, sir, a bill to help the people of Kentucky to take care of the destitute negroes, made free without any property whatever, without the means of support, left to starve and to die unless somebody cares for them; and we propose in the Congress of the United States to help to do it. Is that a degradation? Is that an injustice? Is that the way to rob a people?"

Mr. McDougall said, "I feel it my duty to resist with what little strength I may possess, all this disposition on the part of the North-east, and of those who inherit North-eastern opinions, to compel and

conquer love—a thing impossible and the strangest paradox that could be named in thought.”

Mr. Johnson was satisfied that there was no more necessity for applying the law to the State of Maryland than there was to the State of Maine or the State of Massachusetts.

The amendment of the Judiciary Committee, applying the bill to all the States, was then agreed to. Mr. Guthrie then moved to amend the bill providing that the Bureau should be withdrawn from any State not declared in rebellion wherever the writ of *habeas corpus* should be restored, but it was rejected.—Yeas 8, nays 25.

In the House on the 9th, Mr. Eliot moved that the House concur in the amendment of the Senate, and it was agreed to. In the Senate on the 19th of February, the President's veto of the Bureau Bill was received and read, and the Senate adjourned.

On the 20th Mr. Davis made a lengthy argument in favor of the Veto Message. Mr. Trumbull made an elaborate and able speech reviewing the message. Mr. Cowan had intended to reply to Mr. Trumbull but would not; and Mr. Willey announced his intention to vote against the bill. The vote was then taken on passing the bill, the objections of the President to the contrary.—Yeas 30, nays 18.

The President of the Senate then announced that two-thirds of the members present not having voted for the bill, it was not a law.

## CHAPTER VI.

### BUREAU OF FREEDMEN AND REFUGEES.

Bill reported by Mr. Eliot.—Mr. Stevens' amendment.—Mr. Davis' amendment.—Mr. Shellabarger's amendment agreed to.—Amendments of Mr. Davis and Mr. Scofield.—Mr. Shellabarger's amendment agreed to.—Passage of the Bill.—Bill reported to the Senate by Mr. Wilson, with amendments.—Mr. Wilson's speech.—Amendments.—Debate by Mr. Hendricks.—Mr. Trumbull.—Speech of Mr. Fessenden.—Passage of the Bill.—Committee of Conference.—Conference report by Mr. Wilson.—Report of Mr. Eliot.—President's veto message.—Passage of the bill.

In the House of Representatives on the 22d of May, 1866, Mr. Eliot of Massachusetts, from the select committee on Freedmen's affairs, reported a bill to continue in force and amend the act for the relief of Freedmen and Refugees; it was read twice and ordered to be printed. On the 23d the House resumed the consideration of the bill, and Mr. Eliot explained its provisions. "The first section," he said, "continues the bureau for a term of two years. Gentlemen will see that that differs from the bill vetoed by the President, which was indefinite in its duration. This continues the bureau for two years, and removes one objection. If it becomes necessary at the end of that time further to continue the

bureau, Congress will take whatever action may be deemed proper.

\* \* \* \* \*

The second section provides that the care of the bureau shall be extended to all loyal refugees and freedmen. This is necessary. The law of March, 1865, was passed before the amendment abolishing slavery. It was passed before any slaves were made free except by military order or military proclamation. There has been no law passed since the constitutional amendment was ratified.

\* \* \* \* \*

The third section simply confers upon the President the power to appoint two assistant commissioners in addition to those authorized by the act of March, 1865.

\* \* \* \* \*

The fourth section of the bill is rendered necessary by an inadvertent omission in the law of 1865, which provided no mode under which the Secretary of War could under that law issue medical stores. Of course it was necessary that medical stores should be issued where no other means were at hand or possible to be obtained.

\* \* \* \* \*

This section is made necessary because of this fact, that we expect very shortly that the regular medical force of the Army will be reduced to the minimum required for the service of the Army. As soon as that is done the volunteer surgeons will be

mustered out of the service, and then there will be no medical force which the bureau can have the aid of, because of the fact that there will be no surgeons retained in the regular Army, whose duties will not be required for the service.

\* \* \* \* \*

Section five is the same as was contained in the other law excepting that instead of three millions of the public lands in the five States of Florida, Mississippi, Alabama, Louisiana, and Arkansas, the reservation is of one million acres.

\* \* \* \* \*

The sixth section, as it is now reported, refers to the Sherman lands, and is substantially altered from the provision of the previous law. It now provides that when the former owners of those lands, which are now allotted to the freedmen, and which have been occupied, as it is known, by them under licenses from the Government, shall apply for a restoration, the Commissioner shall procure other lands, provided he can obtain them at an average price not exceeding twenty-five dollars per acre; that he shall assign them, in lots of forty acres, to the occupants of lands under General Sherman's order, requiring them to pay a fair rental for the lands and permit them to purchase, provided they will pay to the Government the full cost which the Government has incurred for the lands.

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The seventh section very materially changes the



former law which authorized the purchase of sites, and the erection of buildings for schools, and the carrying on of those schools; and it was made a subject of comment that the United States ought not to educate.

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The eighth section simply embodies the provisions of the civil rights bill, and gives to the President authority, through the Secretary of War, to extend military protection to secure those rights until the civil courts are in operation.

\* \* \* \* \*

The last section simply provides that the officers and employees of the bureau, before entering upon the discharge of their duties, shall take the oath prescribed by the first section of the act to which this is an amendment."

Mr. Eliot said the bill if passed would be imperfect without the power of the Executive, and he invoked the President to uphold it with his moral power.

Mr. Le Blond of Ohio said, "Gentlemen may appeal to the passions and prejudices of the people, and urge that this system should be continued as a punishment to be inflicted upon the southern people. But let me say to gentlemen that the period has gone by when the American people, taxed as they are almost to death for the purpose of supporting this Government, and are going to contribute longer to the maintenance of this class of persons

for the sole purpose of inflicting a punishment upon the southern people, who wrongfully undertook to destroy this Government."

The consideration of the bill was resumed on the 24th, and Mr. Stevens moved to amend it so as to declare that the Commissioner "shall refuse to surrender the land" allotted to Freedmen under General Sherman's order. The amendment was agreed to.—Yeas 79, nays 46. Mr. Davis of New York moved to strike out all after the second section. Mr. Scofield of Pennsylvania moved to strike out so much of the bill as authorized the building of school-houses, and Mr. Shellabarger moved that nothing in the bill should be construed to affect the right of any person to recover in any proper court any title which such person might have to any lands held under General Sherman's field order. Mr. Brandegee could not see the necessity or policy of passing the bill, and moved to postpone it until the 2d Monday in December. Lost.—Yeas 51, nays 81. The bill and amendments were ordered to be printed. On the 29th the house resumed the consideration of the bill, and the previous question on the motion of Mr. Eliot was ordered. Mr. Chanler of New York moved to lay it on the table. Mr. Scofield modified his amendment so as to authorize the Commissioner of the Freedmen's Bureau to hire buildings for school-houses, and the amendment was adopted. Mr. Shellabarger's amendment was agreed to and Mr. Davis' amendment rejected. Mr. El-

dridge of Wisconsin demanded the yeas and nays on the passage of the bill; they were ordered, and it was passed.—Yeas 96, nays 32.

In the Senate on the 11th of June, Mr. Wilson reported from the Committee on Military Affairs, the bill with amendments. On the 26th the Senate, on motion of Mr. Wilson, proceeded to consider the bill and amendments.

The committee reported several amendments; the first was to insert after section three, as section four: "That officers of the Veteran Reserve Corps or of the Volunteer service, now on duty in the Freedmen's Bureau as assistant commissioners, agents, medical officers or in other capacities, whose regiments or corps have been, or may hereafter be mustered out of service, may be retained upon such duty;" and the amendment was agreed to. Mr. Davis moved to postpone the bill to the 1st Monday of December, but it was rejected. The fifth section allotting one million acres of land in Florida, Mississippi, Alabama, Louisiana, and Arkansas in forty acre lots to Freedmen, was stricken out, the public lands in those States having been opened to settlers, without distinction of color. Mr. Davis moved to lay the bill on the table but it was rejected.

The next amendment of the Military Committee was to strike out the sixth section, directing the Commissioners to refuse to surrender the lands held under Sherman's field order, and insert seven new

sections. Mr. Wilson explained the amendment reported by his committee; he said: "there are between twenty-five and thirty thousand acres that have been taken up by the freedmen in accordance with the provisions of General Sherman's field order. General Steadman and General Fullerton have recommended to the President that they be given up to the owners by the 1st of January next. Some nine hundred persons have acquired titles to small portions of those lands. We propose to give up those lands in this manner: we have acquired about forty thousand acres of land by tax sales on the islands in South Carolina; those are in possession of the Government; now, we propose that in lieu of the claims acquired under General Sherman's order, those lands shall be divided up into twenty-acre lots and shall be sold to the persons who have those titles at their cost to the Government. They are to go on the lands and have six years within which to pay for them. They cost the Government about one dollar and a half an acre. These lands on the islands are our lands; they are in our possession; they amount to about the same number of acres that have been acquired by these colored persons under General Sherman's field order. It is now proposed that they shall have these lands set apart to them, which shall not for six years be alienated by them, and they shall pay the Government a small pittance of a dollar and a half an acre, which was the cost to the Government.

Then we have six thousand acres, some thirty-three tracts, said to be worth ten dollars per acre, that we authorize the selling of at ten dollars per acre, and that are not to be sold for less, which have been set apart by the commissioners, and are now used and rented for the purposes of a school fund. We propose to have those lands sold, and that the proceeds shall be a fund for the benefit of the persons residing upon those islands for school purposes.

If this amendment shall be adopted, we shall provide for the restoration of the lands set apart by General Sherman, and we shall allow persons who have acquired mere possessory titles under his order to acquire titles to the land we possess. It is believed by those who understand the condition of affairs there, to be an arrangement that will be satisfactory to all. We provide further that if any betterments or improvements have been made on those lands, these persons, before being removed from the lands, shall have the benefit of them, and also the benefit of the present crop, which they planted and which they are to gather."

Several amendments were moved and the debate was continued by Mr. Hendricks, Mr. Trumbull and Mr. Wilson. Mr. Buckalew proposed to continue the Bureau one year instead of two years.—Yeas 6, nays 26. It was then moved by Mr. Buckalew to strike out so much of the amendment as provided for the continuance of the Bureau, until the

courts should be in uninterrupted operation, but it was rejected. Mr. Hendricks moved to strike out the 14th section, providing for military protection and for the enforcement of civil rights, but it was rejected.

Mr. Fessenden said, "this is a pretty extensive power provided for in this bill. The exercise of it is very large. As the Senator from Indiana observed, the number seems to be unlimited and the pay not fixed. Ordinarily, I should be very much averse to granting such a power; but inasmuch as two very distinguished Senators who have carefully examined the subject—the honorable Senator from Massachusetts and the honorable Senator from Illinois—and the committee of which the honorable Senator from Massachusetts is chairman, who have thoroughly examined the subject, have come to the conclusion, and tell us as the result of their examination, from their acquaintance with the subject and their familiarity with it, that they are satisfied there is an absolute necessity for the purposes of the Government that it should be granted, and as I have not examined the question, and cannot pretend to be able to correct them, I shall yield my opinions to theirs, according to my usual custom."

Mr. Hendricks thought it a very objectionable measure, but as no argument he could make would influence its fate, he would not occupy the time of the Senate. The bill was then passed without a division.

On the 28th the House, on the motion of Mr. Eliot, non-concurred and asked a Committee of Conference ; and Mr. Eliot of Massachusetts, Mr. Bingham of Ohio, and Mr. McCullough of Maryland, were appointed managers. The Senate on the 30th concurred, and Mr. Wilson, Mr. Harris and Mr. Nesmith were appointed managers.

In the Senate on the 2d of July, Mr. Wilson from the Conference Committee made a report. In response to an inquiry from Mr. Hendricks, Mr. Wilson said that the provision authorizing the President to restore the lands taken under Sherman's order had been stricken out, and the responsibility of the change put upon the President. He could do it at any time after the crops were gathered. There was nothing changed at all in the sense of the bill. "There was really no substantial difference of opinion between the two Houses on these matters, and the bill was referred to a committee of conference more for the purpose of changing some modes of expression than for any other." The Report of the Conference Committee was then concurred in.

In the House on the 3d of July, Mr. Eliot from the Conference Committee made a report, and explained its terms. Mr. Le Blond of Ohio wished to have the report printed so that it might be understood. "We understand this much, and this alone, that there is 'nigger' in its head, 'nigger' in its bowels, and 'nigger' in its heels. I suppose that it is 'nig-

ger' all through; but whatever may be its character we would like to understand it." Mr. Finck of Ohio moved that the report be laid upon the table. Yeas 25, nays 102; and the report was then agreed to.

On the 16th of July the House received the message of the President giving his reasons for not signing the bill. It was read and the House passed the bill, 104 to 33, the objections of the President to the contrary.

In the Senate the veto message was received on the same day, and on motion of Mr. Wilson all matters were postponed that it might be read. After the reading of the message Mr. Johnson moved to postpone its further consideration until the next day.—Yeas 13, nays 31. Mr. Hendricks sustained the veto. "I believe," he said, "that the country will sustain the President in his veto. He has sought that these people now made free shall be governed by the laws and the Constitution of the land. He has resisted to the extent of his constitutional power the establishment over them and the white people among whom they are found, of a system of government unknown to the Constitution and to our institutions. He has done his duty, and I believe, sir, that the country will sustain him."

The question was then taken and the bill passed over the veto.—Yeas 33, nays 12. The President of the Senate declared that two-thirds of both Houses having voted for the bill, the objections of the President to the contrary notwithstanding, the bill had become a law.



## CHAPTER VII.

### REBEL DEBT—CONSTITUTIONAL AMENDMENT.

**Resolution of Mr. Farnsworth reported by Mr. Wilson with amendments. Amendment agreed to.—Debated by Mr. Wilson, Mr. Rogers, Mr. Farnsworth, Mr. Rousseau, Mr. Johnson, Mr. Higby, Mr. Sloan, Mr. Niblack and Mr. Randall.—Resolution passed.—Resolution by Mr. Sumner.—Resolution by Mr. Wilson.—Speech by Mr. Wilson.**

In the House of Representatives on the 6th of December, 1865, Mr. Farnsworth of Illinois introduced a resolution to amend the Constitution so that no tax, duty or impost should be laid, nor appropriation of money be made by the United States or any one of the States, for the purpose of paying any debt incurred in aiding the rebellion against the Constitution and laws of the United States. The resolution was referred to the Committee on the Judiciary, and on the 19th Mr. Wilson of Iowa, chairman of the committee, reported it with an amendment. The House proceeded to the consideration of the resolution, and the amendment of the Judiciary Committee was agreed to. The question recurring on the passage of the Joint Resolution, Mr. Wilson of Iowa said that the proposition was so generally concurred in, that it was not necessary to occupy the time of the House in discussing it; he

therefore moved the previous question. Mr. Rogers of New Jersey, a member of the Judiciary Committee, maintained that three-fourths of the States had no right, by an amendment to the constitution, to dictate to the States what debts they should pay. Mr. Farnsworth asked Mr. Rogers if he held that the Constitution intended to give a State the right to tax its loyal people to pay debts incurred in rebellion against the United States. Mr. Rogers replied that the people, through their legislature, had the right to tax themselves to pay any debt, whether that debt was contracted in a righteous or an unrighteous, a just or an unjust cause. Mr. Rousseau of Kentucky asked Mr. Rogers if it was one of the reserved rights of the States to break up the government of the United States. Mr. Rogers said it was the right of a State to pay its own debts, in its own manner, and at its own time, and three-fourths of the States had no right to say, by an amendment to the Constitution, that the other fourth should not pay any debt they might see fit to pay. Mr. Wilson of Iowa said that if any portion of the people of New Jersey desired to remove to any of the rebel States, he desired that they should not be liable to pay any debts incurred for the destruction of the government. He was desirous of protecting the government against the corrupting influences of the immense amount of money involved in the rebel debt. Mr. Hale of New York thought the resolution was not broad enough, that it ought

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to prevent the assumption of any rebel debt contracted in the past or in the future. Mr. Wilson thought the resolution broad enough to cover the object stated by the member from New York. Mr. Bingham of Ohio suggested that the resolution should be amended by adding the words, "nor shall the United States or any State of the Union ever assume or pay any part of such debt or liabilities." Mr. Wilson thought the resolution in its present form broader than it would be if amended as suggested by the gentleman from Ohio. Mr. Johnson of Pennsylvania objected to the immediate passage of the resolution, and entered his protest against hasty legislation. Mr. Higby of California and Mr. Ingersoll of Illinois, Mr. Sloan, Mr. Niblack and Mr. Rogers demanded further time for the consideration of the resolution. Mr. Wilson expressed his willingness to have the question go over till the next day and be made a special order. Mr. Randall of Pennsylvania objecting to make it a special order for the next day, Mr. Wilson withdrew the proposition and insisted upon his demand for the previous question. The previous question was ordered and the resolution passed.—Yeas 150, nays 11.

In the Senate on the 5th of January, 1866, Mr. Sumner of Massachusetts introduced a joint resolution proposing an amendment to the Constitution of the United States, for the protection of the national debt and the rejection of the rebel debt. The resolution was referred to the Committee on

the Judiciary, and on the 20th of June Mr. Trumbull reported it back with the recommendation that it be indefinitely postponed, and it was so postponed.

On the 24th of January Mr. Wilson of Massachusetts introduced a resolution, proposing to amend the Constitution so that no payment should ever be made by the United States or any State, for or on account of the emancipation of any slave or slaves, or for or on account of any debt contracted or incurred in aid of rebellion against the national Government.

Mr. Wilson said in support of the resolution, which he proposed to refer to the committee on reconstruction, that utterances in Louisiana, Georgia and other rebel States gave warning that rebel slave masters hoped to be compensated by the national authority for slaves emancipated. "To maintain," he said, "the unity of the Republic, and preserve the menaced life of the nation, the Government of the United States summoned more than two million men to the field, organized vast armies, created naval squadrons for the blockading of southern ports, and carried on for more than four years a war of gigantic proportions. To support those vast armies, to create these great naval squadrons that hovered along the southern coast from the Potomac to the Rio Grande, the Government was compelled to call upon the loyal people for nearly three thousand million dollars. That people, ani-

mated with the same lofty and self-sacrificing patriotism that carried their sons to battle-fields, at this call of their country loaned these millions to feed, to clothe, to arm, to pay the soldiers of the Republic, and to pension the widows and orphan children of heroes fallen in battle for the existence of the Republic. With the same holy zeal that filled the ranks of our war-wasted battallions, that contributed seventy-five millions in charities to the sick and wounded defenders of their country, the loyal people—bankers, merchants, farmers, mechanics, laborers, all conditions of men, and women, too—in the dark and trying days of the rebellion, when men of little faith doubted the result of the struggle for national existence, and rebel sympathizers and rebel apologists prophesied disaster and national bankruptcy, trusted their interests and fortunes to the faith of their endangered country. These millions of the loyal people, loaned upon the plighted faith of the periled nation, the money that created the armies and navies that lined the coasts, and swept the fields of rebellion till the slave-masters' confederacy crumbled into dishonored fragments. This national debt, created by the Government for the preservation of the national life, is as sacred as the blood of our heroes poured out on battle-fields. This national debt is the price of national existence. Faith, honor, interest, all alike demand that it shall be guarded as we guard and cherish the scarred heroes and the widows and orphans of the nation's dead."

## CHAPTER VIII.

### RIGHTS OF CITIZENS OF THE UNITED STATES.

Resolution reported by Mr. Bingham to amend Constitution.—Speech of Mr. Bingham, Mr. Rogers, Mr. Higby, Mr. Randall, Mr. Kelley, Mr. Hale, Mr. Davis, Mr. Woodbridge.—Remarks of Mr. Conkling—Mr. Hotchkiss.—Mr. Conkling's motion to postpone.—Mr. Eldredge's motion.—Consideration postponed.

IN the House of Representatives, February 13th, 1866, Mr. Bingham of Ohio reported from the Committee on Reconstruction a joint resolution to amend the Constitution, which was read twice and recommitted to the committee. On the 26th Mr. Bingham reported back the resolution, which provided that Congress should have power to make all laws necessary and proper to secure to the citizens of each State all privileges and immunities of citizens in the several States, and to all persons equal protection in the rights of life, liberty, and property. Mr. Bingham said that the amendment proposed, stood in the very words of the Constitution as it came from the hands of its illustrious framers. Every word of the amendment was in the Constitution, save the words conferring the express grant of power upon Congress. Mr. Bingham said further that it was "equally clear by every construction of the Constitution, its contemporaneous con-

struction, its continued construction, legislative, executive, and judicial, that these great provisions of the Constitution, this immortal bill of rights embodied in the Constitution, rested for its execution and enforcement hitherto upon the fidelity of the States. The House knows, sir, the country knows, the civilized world knows, that the legislative, executive, and judicial offices of eleven States within this Union within the last five years, in utter disregard of these injunctions of your Constitution, in utter disregard of that official oath which the Constitution required they should severally take and faithfully keep when they entered upon the discharge of their respective duties, have violated in every sense of the word these provisions of the Constitution of the United States, the enforcement of which are absolutely essential to American nationality."

Mr. Rogers of New Jersey, a member of the committee on the judiciary, opposed the amendment. "I am for the Union," he said, "the indivisible Union, the Union of our fathers, the Union made by Washington, by Jay, and by Jefferson; the Union that has given to us peace, happiness, greatness, grandeur, and glory such as never belonged to any other nation since the foundation of the civilized world. I do not want such a Union as the radicals of this country are trying to set up for me. Their Union is a Union of despotism, a Union of tyranny, a

Union not of independent fraternal States, each legislating for itself upon its own domestic affairs."

On the 27th of February the House resumed the consideration of the resolution, and Mr. Higby of California addressed the House upon the general question of reconstruction. He was followed by Mr. Randall of Pennsylvania, who opposed the resolution because the States to be affected by it were not present to participate in the action by which it was to become a part of the law of the land. Mr. Kelley of Pennsylvania would support the amendment, not because he believed it absolutely needed, but because there were those who doubted that the powers imparted by the amendment were to be found in the Constitution; he believed those powers were there from the hour of its adoption. Mr. Hale of New York maintained that the whole intended effect of the amendment, was to protect citizens of African descent in the States lately in rebellion. He thought this kind of legislation most dangerous; he believed that the tendency in this country had been from the first, too much towards the accumulation and strengthening of central federal power. He fully and cordially concurred in the desire to protect the humblest as well as the highest, the late slave as well as others, but he warned gentlemen that there were other liberties as important as the liberties of the citizen, and those were the liberties and rights of the States. Mr. Price of Iowa was among the few who did not claim to be a constitu-



tional lawyer, of which the last four years had been so prolific. He understood the resolution to mean simply that if a citizen of Iowa or a citizen of Pennsylvania had any business, or if curiosity had induced him to visit South Carolina or Georgia, he should have the same protection of the laws there that he would have had had he lived there for ten years.

On the 28th of February Mr. Davis of New York said: "I am unwilling, after this Constitution has been tested in peace, and in foreign war, for nearly eighty years, and when, during the last four years, it has been to us as a cloud by day and a pillar of fire by night, pointing out a safe pathway to the nation through the Red Sea of civil war, and has led us to final triumph, and while the passions excited by the civil strife remain active and unsubdued, and wounds received are still open and bleeding, to amend or alter the organic law of the nation in any particular where a supreme necessity does not demand it."

"I have no idea that any arguments," said Mr. Woodbridge of Vermont, "that I may advance, or any views that I may submit, will alter the mind or the vote of any gentleman upon the floor. But, sir, great responsibilities rest upon the members of the present Congress. We are not writing history, which is difficult; we are making history, which is more difficult still. The footprints of this Congress will be upon the rocks of the mountains. National

and political convulsions may ensue ; republics may rise and fall ; systems of government may be erected and destroyed ; but never, so long as the earth rolls, will the footprints which this Congress makes be eradicated from history."

He maintained that the adoption of this amendment would be no shock upon the present well-arranged system, defining the powers of the General Government and the States, under which we have so happily lived ; that the condition of the freed-men, if nothing else, demanded the adoption of this resolution ; and that in his judgment the people would not have done their whole duty until they should see to it that the amendment was adopted.

Mr. Bingham followed in an elaborate speech in explanation and support of his amendment. "What an anomaly," said Mr. Bingham, "is presented to-day to the world ! We have the power to vindicate the personal liberty and all the personal rights of the citizen on the remotest sea, under the frowning batteries of the remotest tyranny on this earth, while we have not the power in time of peace to enforce the citizens' rights to life, liberty, and property within the limits of South Carolina after her State government shall be recognized and her constitutional relations restored."

He closed his able speech with the following appeal to the House : "Representatives, to you I appeal, that hereafter, by your act and the approval of the loyal people of this country, every man in

every State of the Union, in accordance with the written words of your Constitution, may, by the national law, be secured in the equal protection of his personal rights. Your Constitution provides that no man, no matter what his color, no matter beneath what sky he may have been born, no matter in what disastrous conflict or by what tyrannical hand his liberty may have been cloven down, no matter how poor, no matter how friendless, no matter how ignorant, shall be deprived of life or liberty or property without due process of law—law in its highest sense, that law which is the perfection of human reason, and which is impartial, equal, exact justice; that justice which requires that every man shall have his right; that justice which is the highest duty of nations as it is the imperishable attribute of the God of nations.”

Mr. Conkling of New York had not assented to the report of the committee in favor of the resolution. Mr. Hotchkiss of New York was opposed to the adoption of the amendment, not believing it to be as strong as the Constitution now is. Mr. Conkling then moved that the further consideration of the resolution be postponed until April. Mr. Eldridge of Wisconsin moved to lay the resolution on the table, but the motion was lost.—Yeas 41, nays 110. The question recurring on the motion of Mr. Conkling, the House, by a vote of 110 to 37, postponed the further consideration of the subject to the second Tuesday of April, and the resolution was not again taken up.

## CHAPTER IX.

### REPRESENTATION.

Concurrent Resolution reported by Mr. Stevens on admission of Senators and Representatives from rebel States.—Mr. Grider's minority report.—Speech of Mr. Eldridge.—Mr. Stevens.—Resolution passed.—In the Senate Mr. Fessenden called up the Resolution.—Debated by Messrs. Cowan, Fessenden, Johnson, Trumbull, Davis, Dixon, Sherman, Fessenden, Doolittle, Howe, Johnson.—Speech of Mr. Fessenden, Mr. Sherman, Mr. Dixon.—Remarks of Mr. Trumbull, Mr. Dixon and Mr. Howard.—Speech of Mr. Nye, Mr. Stewart, Mr. Johnson.—Mr. Hendricks moved an amendment.—Speech of Mr. Wade, Mr. Cowan, Mr. Davis, Mr. Doolittle, Mr. Wilson, Mr. Fessenden, Mr. McDougall.—Resolution passed.

IN the House of Representatives on the 20th day of February, 1866, Mr. Stevens reported from the Joint Committee on reconstruction, a concurrent resolution, "that in order to close agitation upon a question which seems likely to disturb the action of the Government, as well as to quiet the uncertainty which is agitating the minds of the people of the eleven States which have been declared to be in insurrection, no Senator or Representative shall be admitted into either branch of Congress from any of said States, until Congress shall have declared such State entitled to such representation."

Mr. Grider of Kentucky asked Mr. Stevens to yield the floor, to permit him to make a minority report concluding with a resolution that the State of

Tennessee was entitled to representation, but Mr. Stevens declined to yield. Pending the motion for the previous question dilatory motions were made, and protracted resistance was made by the minority. After a struggle of several hours Mr. Eldridge of Wisconsin stated that the minority felt that a measure containing such provisions ought to receive deliberate consideration, and for that reason they had striven through the day against immediate action; but they knew it had become a question of physical endurance; they knew their weakness; they had done all they could and they yielded to power, throwing upon the majority the responsibility of that most extraordinary and most revolutionary measure.

"The gentlemen," replied Mr. Stevens, "accept their condition just as Jeff Davis did his, because they cannot help it. I confess sir, for so small a number they have made a most venomous fight. I am only sorry that the gentleman from New Jersey, (Mr. Rogers,) who belongs to the same tribe, could not have had an opportunity also to shake his rattle and point his sting."

On the motion of Mr. Washburne of Illinois, the House ordered the yeas and nays; the question was then taken and the resolution passed.—Yeas 109, nays 40.

In the Senate on the 21st Mr. Fessenden proposed to take up the resolution; and after a debate in which Messrs. Cowan, Fessenden, Johnson, Trum-

bull, Davis, and Dixon participated, it was taken up, read, and then went over under the rule.

On the 23d Mr. Fessenden again proposed to call up the resolution. Mr. Sherman was opposed to taking it up at that time. He anticipated no good and much evil as the result of precipitating the Senate into a debate on the resolution. After farther debate, participated in by Mr. Fessenden, Mr. Doolittle, Mr. Howe, Mr. Johnson and Mr. Trumbull, the resolution was taken up by 26 yeas to 19 nays.

Mr. Fessenden then made an elaborate argument upon the condition of the country, in review of the veto, on the Freedmen's bureau, and upon reconstruction. He maintained "that this country has been in a state of war, decidedly in a state of war, war according to the books, war in its worst acceptation, war in the very strongest meaning of the term, without any limitation or qualification. If we have been in a state of war, the question arises—and it is a very simple one, and I think this whole thing lies in a narrow compass—is there any dispute as to what are the consequences of war? What are the consequences of successful war? Where one nation conquers another, overcomes it without qualifications, without terms, without limits, and after a bitter contest succeeds in crushing its enemy, occupying its enemy's territory, destroying its posts, what are the consequences? \* \* \* \* \* Is there anything

more certain than that the conqueror has a right, he chooses, to change the form of government, that he has a right to punish, that he has a right to take entire control of the nation and the people, that he has a right to exact security for the future, and such security for his own safety as he may demand; that all these rights are his, with only the limitation that he shall not abuse them and conduct them in a manner contrary to humanity, in the ordinary acceptance of the term?"

Mr. Fessenden closed his very able speech on reconstruction with this emphatic declaration: "My judgment is, that we hold the power over that whole subject in our own hands, that it is our duty to hold it in our own hands, and to regard it as a matter of the most intense interest to the whole people, involving the good of the whole people, requiring for our most careful consideration, and to be adjudged without passion, without temper, without any of that feeling which may be supposed to have arisen out of the unexampled state of things through which we have passed."

On the 26th the debate was resumed by Mr. Sherman, who addressed the Senate at great length on reconstruction. He deprecated quarreling with the President unless compelled to it by his base betrayal of the obligations imposed upon and accepted by him as the candidate of the Republicans. "The curse of God," he said, "the maledictions of millions of our people, and the tears and blood of

new-made freemen will, in my judgment, rest upon those who now for any cause destroy the unity of the great party that has led us through the wilderness of war."

He thus closed his very able speech: "No word from me shall drive him into political fellowship with those who, when he was one of the moral heroes of this war, denounced him, spit upon him, and despitefully used him. The association must be self-sought, and even then I will part with him in sorrow, but with the abiding hope that the same Almighty power that has guided us through the recent war will be with us still in our new difficulties until every State is restored to its full communion and fellowship, and until our nation, purified by war, will assume among the nations of the earth the grand position hoped for by Washington, Clay, Webster, Lincoln, and hundreds of thousands of unnamed heroes who gave up their lives for its glory."

On the 27th Mr. Dixon spoke at great length in favor of the policy of the President. "It is my belief," he said, "right or wrong, that what is known as the policy of the President for the restoration of the late seceded States in this Government, is the correct policy."

Mr. Trumbull replied to Mr. Dixon, and the debate was continued by Mr. Dixon and Mr. Howard. On the 28th Mr. Nye of Nevada addressed the Senate in an eloquent, elaborate and effective speech. "I have grown to believe," he said, "that equal pro-



action has become a matter of imperative national necessity. So far as the experiment has been tried in an opposite direction we have but a poor account. That account, sir, tallies with and accords with all history. The war of race upon race, or class upon class, is certain to lead to the destruction of patriotism in any nation. Nothing can spring from it but social and political discontent. It is the origin of convulsions, rebellions, and revolutions. I will maintain that no people has yet existed that did not find its causes of national decay and national dissolution in the warfare of class upon class. We have as yet held our nation together. The stern republicanism in the northern States; its intelligence and power of comprehension; its firm attachment to free popular government; its unbending determination to maintain such government, assisted by the white and colored loyalty found in the South, has carried us through the rugged part of the great shock. We know the cause of our difficulties, and we may know if we will, that there is but one remedy for the future. That remedy lies in equalized protection under equal laws; and if that involves the necessity of equal suffrage, then, sir, in my opinion it becomes the stern duty of the nation to enforce it. If in the warfare of race upon race, or class upon class, unequal suffrage can be made an instrument of oppression, I insist on the right and power of the nation to make equal suffrage the agency of defense." Mr. Stewart of Ne-

vada continued the debate, and before concluding the Senate adjourned.

On the 1st of March the debate was resumed by Mr. Stewart, who spoke at length on matters pertaining to reconstruction. He closed with an earnest appeal for the speedy restoration of the Union. "I appeal," said he, "to the loyal majority of this House to sink all minor differences and secure the Union of these States, with slavery, the parent of secession, abolished, with the dignity and honor of the nation preserved and vindicated, with the free Constitution of the fathers intact, before discord and confusion shall have again drenched this land with fraternal blood. We are called upon by all that we hold most sacred and dear to secure at once the fruits of victory, to risk nothing to chance or anarchy; and if we cannot obtain all we would, let us obtain what we can. If we preserve what we now have, an all-wise Providence, in his own good time, will grant us still greater blessings and greater advancement in the work of regeneration and reform; but if anarchy and discord are allowed by us to obscure the bright sunshine of peace which lighting the way and cheering the hearts of the nevolent and true, a fearful responsibility awaits both here and hereafter."

Mr. Johnson followed in an elaborate argument mainly in reply to Mr. Fessenden. He opposed the resolution which said to the people of the South "You must be kept out until Congress shall"

declare that you ought to be admitted." He closed by saying, "We have passed through four years to all of us of unexampled distress; our own homes have felt the desolation of war; but our homes are as nothing to the homes of the southern people. Where comfort and luxury were to be seen and hospitality was extended to all, there is now nothing but penury and almost absolute want. The women of the South, brought up in luxury and educated to refinement, are now almost hewers of wood and drawers of water in order to sustain themselves and their children. So it must be until we take them by the hand, throw around them the ægis of the Constitution, and give them a new birth, welcome them among us as brothers, extend to them the right hand of fellowship, and then they and we, when that time shall come—God grant that it may come at once—will pray to Heaven that in no time of the future shall there ever be again a citizen of the United States to raise his arm against his Government."

Mr. Hendricks moved to amend the Resolution so as to say the inhabitants of the States were in rebellion rather than the States. He objected to the Resolution because it carried the idea that the States had to be brought back into the Union by an act of Congress.

Mr. Wade said he had been denounced as an abolitionist, now he was branded as a radical. Abolition had conquered, all were now abolitionists,

many on compulsion. The war on the radicals would fail. "In the history of mankind," said Mr. Wade, "so far as I have read or known it, there never has been a time when parties were so organized on radical principles of justice and right. The party with whom I act appeal to no expediency, to none of your political policies; we dig down to the granite of eternal truth, and there we stand, and they who assail us have to assail the great principles of the Almighty, for our principles are chained to His throne, and are as indestructible as the Almighty himself."

On the 2d Mr. Cowan resumed the debate, and spoke at great length in opposition to the new measures of Congress. He said: "I would keep out traitors, not keep out States: I would punish criminals, and not enslave communities; I would single out the guilty, and not confound the innocent with them."

Mr. Davis followed in opposition to the resolution and to the general policy of Congress. He said the Southern people were loyal, more loyal than those who kept them out. "You cannot," he said, "keep them out always, Senators. The time will come when there will be a recoil and a terrible recoil. This country is becoming impatient, indignant, and outraged by this paltering with the liberties of the southern people and with the fundamental principles of our Constitution. Whenever the

President chooses to grasp the remedy it is at his hand.

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Whenever Andrew Johnson chooses to exercise his high function, his constitutional right of saying to the southern Senators, 'Get together with the Democrats and the Conservatives of the Senate, and if you constitute a majority I will recognize you as the Senate of the United States,' what then will become of you, gentlemen? You will quietly come in and form a part of that Senate."

Mr. Doolittle followed Mr. Davis in opposition to the Resolution, and in the course of his speech he dissented to the doctrine of Mr. Davis touching the recognition of Congress by the President. It was revolutionary as suggested by Mr. Davis, and not to be tolerated.

Mr. Saulsbury and Mr. McDougall briefly stated their opposition to the Resolution.

Mr. Wilson said: "All that is disloyal from the Susquehanna to the Rio Grande, and the champions of slavery and caste everywhere, are exultant, defiant, aggressive. The poor freedmen, who a few months ago were leaping and laughing with the joy of new-found liberty, invoking the blessing of Heaven upon the Government that had stricken the galling manacles from their limbs, are now trembling with apprehension, everywhere subject to indignity, insult, outrage, and murder.

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In hundreds of thousands of the homes of the loyal people, who in the autumn of 1864 offered up their daily prayers on bended knees for the triumph of their struggling country, and for the election of Abraham Lincoln and Andrew Johnson, there are many hearts throbbing heavily with anxieties and gloomy forebodings. Noble men, and noble women too, have prayed and hoped and toiled through many a year for the triumph of liberty, justice, and humanity in America. \* \* \* Their hearts are now throbbing heavily with a great sorrow, for they see that instead of spending the coming three years in strengthening the patriotism, securing the liberties, and extending the mild sway of equal justice to men of every race, these precious years are to be wasted, squandered in wicked wrangles, and in the use of the corrupt and corrupting patronage of the Government to debauch the public morals and to degrade the nation in the face of earth and of heaven. Sir, why is it that the heart of a loyal people throbs heavily with disappointment and sorrow? What, in God's name, have the loyal people of America done that they should be so disappointed, so punished, so humiliated?

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The loyal people who stood by their country amid the storms of civil war with unwavering constancy, will hold their public servants in all positions, in Congress, in the Cabinet, in the executive chair, to a stern responsibility. Unwise words may have fall-

en from the lips of Senators, and Representatives, and Cabinet officers, and even from the Executive, but a patriotic and liberty-loving people will forget these words, if they perform deeds that will cement the unity of the Republic, hedge about and secure the rights of the laboring poor, and bring enduring peace and prosperity to the country recently swept by the storms of civil war."

Mr. Fessenden replied to the remarks of several Senators and closed the debate. The vote was then taken on Mr. Hendrick's amendment, and it was rejected.—Yeas 17, nays 29.

Mr. McDougall declared that "the question pending now, as simple as it appears, as practically useless as it will be as a rule if passed, is yet mischievous. It will have no validity, because it is not within the power of the Senate to pass it. It will be my right to ignore it, the right of every Senator, and the right of every man who represents the Government in office. It is, however, in the way of teaching bad precedents, false law, unsound loyalty. These things are like the worms that eat into the majestic oaks, which are used to build vessels to ride the sea, and decay their strength so that they fall down and make wrecks of navies." The Resolution was then passed.—Yeas 29, nays 18.

## CHAPTER X.

### BASIS OF REPRESENTATION—CONSTITUTIONAL AMENDMENTS.

Mr. Stevens' Joint Resolution.—Mr. Stevens' speech.—Speech of Mr. Rogers, Mr. Conkling, Mr. Blaine, Mr. Kelley, Mr. Donnelly, Mr. Brooks.—Mr. Baker's amendment.—Speech of Mr. Jenckes.—Mr. Shellabarger's amendment.—Mr. Elliot's amendment.—Mr. Schenck's amendment.—Speech of Mr. Pike.—Remarks of Mr. Kelley.—Speech of Mr. Eldridge, Mr. Bingham.—Mr. Broomall's amendment.—Speech of Mr. Ward.—Mr. Schenck's substitute rejected.—Joint Resolution adopted.—Considered in the Senate.—Mr. Sumner's speech.—Mr. Henderson's motion to amend Mr. Sumner's amendment.—Speech of Mr. Fessenden, Mr. Lane, Mr. Johnson.—Mr. Sumner's amendment.—Speech of Mr. Henderson, Mr. Clarke, Mr. Williams.—Mr. Howard's amendment.—Speech of Mr. Wilson, Mr. Pomeroy, Mr. Saulsbury, Mr. Sumner, Mr. Morrill.—Remarks of Mr. Fessenden.—Mr. Sherman's amendment.—Mr. Clark's amendment.—Mr. Grimes and Mr. Sumner's amendments.—Mr. Wilson's amendment.

IN the House of Representatives on the 22d of January, 1866, Mr. Stevens of Pennsylvania reported from the Committee on Reconstruction, a joint resolution proposing that "Representatives and direct taxes shall be apportioned among the several States which may be included within this Union according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed: *Provided*, That whenever the elective franchise shall be denied or abridged in any State on account of race or color,



all persons of such race or color shall be excluded from the basis of representation."

Mr. Stevens said, in support of the amendment, "It proposes to change the present basis of representation to a representation upon all persons, with the proviso that wherever any State excludes a particular class of persons from the elective franchise, that State to that extent shall not be entitled to be represented in Congress. It does not deny to the States the right to regulate the elective franchise as they please ; but it does say to a State, 'If you exclude from the right of suffrage Frenchmen, Irishmen, or any particular class of people, none of that class of persons shall be counted in fixing your representation in this House.'"

Mr. Rogers of New Jersey opposed the amendment, declaring that it appeared to have in its body, in its soul, and in its life only one great object and aim to debase and degrade the white race, and to place upon a higher footing than the white men are placed, under the Constitution, this African race.

Mr. Conkling, a member of the committee on reconstruction, said that the framers of the Constitution never dreamed of the present condition of affairs. They trusted to gradual emancipation, which should go hand in hand with education and enfranchisement. They never peered into the bloody epoch when four million fetters would be at once

melted off in the fires of war. "They never saw such a vision as we see."

On the 23d of January the House resumed the consideration of the resolution, and Mr. Blaine of Maine addressed the House upon the basis of representation. Mr. Kelley of Pennsylvania moved to amend so as to provide that representatives and direct taxation should be apportioned among the several States of the Union according to their several numbers, counting all but Indians not taxed, and all persons denied the right of suffrage on account of race or color, and providing that the amendment should not affect the power of Congress to regulate the qualifications for electors of the most numerous branch of State legislatures.

"I shall vote," said Mr. Donnelly of Minnesota, "for this measure, not as a finality, but as a partial step, as one of a series of necessary laws; not, as I have heard it termed, as a 'compromise.' For one I shall not rest satisfied until every security is given for the safety, the prosperity, and the development of all the people of the South, without distinction of race or color, feeling assured that in that only can we find the safety of the South and the well-being of the nation."

Mr. Sloan of Wisconsin advocated an amendment to base representation on suffrage. Mr. Brooks of New York declared that these propositions to amend the Constitution were only introduced for purposes of agitation, as no one believed that they

would be adopted by three-fourths of the States. Mr. Orth of Indiana moved to amend so as to base representation on suffrage. Mr. Chanler of New York declared that this measure "if passed will tend to obscure the sun from which the liberties of this country derive their nourishment and life, the brilliant orb, the Constitution, whose light has spread itself to the farthest ends of the earth. The vital principle of that Constitution, the soul of its being, is that balance of power between the States which insures individual liberty to every citizen of each State, and harmony among all the States of this Union."

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"If this resolution takes effect, you surrender to the black race of the South control in the legislative halls in the southern States: by the policy and practical working of all such measures you exclude white labor, and by the exclusion of white labor you give the control of the ballot-box to the negro who will hereafter, by this system of enactments, become the majority of the people under the democratic and established law of our whole policy and the Constitution, and we must bow to the will of the people. Ingraft the black man into the term 'people' and you surrender the South to the black race, and the question comes up not between slave and free, but between black and white."

Mr. Farnsworth of Illinois would vote for the amendment with great reluctance. Mr. Baker and

Mr. Ingersoll of Illinois continued the debate, and Mr. Baker submitted an amendment so to modify the resolution that no State should be permitted to establish any property qualification. Mr. Jenckes of Rhode Island spoke briefly in opposition to the amendment. He thought the amendment would be hailed with a shout of joy in every rebellious legislature. "This amendment," said he, "would be read with sorrow and regret throughout the world by all that sympathized with republican institutions, and if carried into practical effect it would be met with the loud indignation of our constituents, the scornful derision of our enemies, and the inextinguishable laughter of the friends of aristocracy and oligarchy among all the nations of the world." The resolution was further opposed by Mr. Trimble of Kentucky.

On the 24th the House resumed the consideration of the resolution, the pending question being on the motion of Mr. Le Blond to refer it to the Committee of the whole on the state of the Union. Mr. Lawrence of Ohio moved that the pending resolution and amendments be recommitted to the committee on reconstruction, with instructions to report an amendment to the Constitution which should apportion direct taxes among the States according to property ; and apportion Representatives on the basis of adult male voters, citizens of the United States.

Mr. Shellabarger of Ohio suggested a modification

of the amendment, apportioning Representatives among the States according to the number of male citizens entitled to vote, and direct taxes according to the value of property. Mr. Shellabarger spoke in favor of his modification of the amendment. The debate was continued by Mr. Conkling, who maintained that historically and legally, from the foundation of the government, every State had exercised undisputed sway over the whole question of suffrage. Mr. Eliot proposed to amend the joint resolution by declaring that the elective franchise should not be denied nor abridged in any State on account of race or color. Mr. Eliot thought that we were undertaking, in the joint resolution reported by the committee, to serve God and mammon. Mr. Schenck of Ohio proposed to amend the amendment submitted by Mr. Eliot, so as to base representation on the number of male citizens over twenty-one years of age, but that the number of representatives should not exceed one for every hundred and twenty-five thousand inhabitants. Mr. Pike of Maine maintained that the whole history of restricted suffrage showed that it was better for the electors and better for those who were chosen that all citizens of proper age should be allowed their voice in saying who should make their laws. He was in favor of Mr. Schenck's amendment. Mr. Kelley of Pennsylvania maintained the constitutional power of Congress to establish suffrage, and that "the enforcement of this long-dormant power of the Con-

stitution is needed by the wise, the strong and the wealthy of our country as well as by the poor, the ignorant and the weak." Mr. Bromwell, Mr. Cook, and Mr. Marshall of Illinois, and Mr. Schenck of Ohio continued the debate.

On the 25th the debate was resumed by Mr. Edgridge of Wisconsin, in opposition to the amendment to the Constitution. He said: "The war is over; its work of carnage and death is done; it has driven its plowshare down deep into our institutions; time can never remove its impress; its effect for good and for ill cannot be eradicated; the chains of bondage broken we would not again unite, the sundered ties of life we cannot; the passions, resentments, animosities, and hatreds aroused and engendered will slowly wear away; with it let the brotherhood revive. Our country has triumphed; its highest interest, its proudest glory, its richest blessing will only be realized in the full resumption by every State of its rights, its duties, and its functions in the Union of the Constitution. We want no Ireland, no Poland, no Hungary, with their oppressed and unhappy peoples cherishing their smothered wrath and plotting revolution. A restored Union is restored amity. Many have been wrong; all have suffered. As we hope to be forgiven, let us forgive."

Mr. Strouse of Pennsylvania, and Mr. Higby of California continued the debate in opposition to the amendment. Mr. Higby would recommit the amend-

ment to the committee on reconstruction without instructions; Mr. Stevens opposed the recommitment. Mr. Bingham spoke earnestly in favor of the amendment. He maintained that the proviso was nothing but a penalty for a violation on the part of the people of any State, of the political right of franchise guaranteed by the Constitution to free male citizens of full age. He closed by saying, "the Republic is great; it is great in its domain, equal in extent to continental Europe, abounding in the productions of every zone, broad enough and fertile enough to furnish bread and homes to three hundred million freemen. The Republic is great in the intelligence, thrift, industry, energy, virtue, and valor of its unconquered and unconquerable children; and great in its matchless, wise, and beneficent Constitution. I pray the Congress of the United States to propose to the people all needful amendments to the Constitution, that by their sovereign act they may crown the Republic for all time with the greatness of justice."

Mr. Broomall proposed to amend the joint resolution so as to provide that whenever the elective franchise should be denied by the constitution or laws of any State to any proportion of its male citizens over the age of twenty-one years, the same proportion of its population should be excluded from its basis of representation.

Mr. Ward of New York said: "The fact that one South Carolinian, whose hands are red with the

blood of fallen patriots, and whose skirts are reeking with the odors of Columbia and Andersonville, will have a voice as potential in these Halls as two and a half Vermont soldiers, who have come back from the grandest battle-fields in history, maimed and scarred in the contest with South Carolina traitors in their efforts to destroy this Government, cries aloud for remedy; and it depends upon Congress to inaugurate this remedy."

Mr. Nicholson of Delaware opposed the amendment. He challenged the Republican members to proclaim universal suffrage.

On the 26th the debate was resumed by Mr. Harding of Kentucky, in opposition to the amendment or to any amendment to the Constitution. Mr. McKee of Kentucky followed: he was not afraid of political or social equality with any race, and believed in every man having the same show in this world for life. Mr. Kerr of Indiana made an elaborate speech in opposition to the amendment and to any amendment of the Constitution. Mr. Kasson of Iowa replied to Mr. Kelley of Pennsylvania touching the power of Congress to regulate suffrage in the States. Mr. Wright of New Jersey opposed the amendment.

On the 30th Mr. Hogan of Missouri spoke in opposition to negro suffrage. Mr. Le Blond's motion to refer the Joint Resolution to the Committee of the whole on the state of the Union was rejected by a vote of yeas 37, nays 133.



On the 31st the debate was continued by Mr. Schenck of Ohio, Mr. Benjamin of Missouri and Mr. Stevens of Pennsylvania. The question was then taken on Mr. Schenck's substitute and it was rejected.—Yeas 29, nays 131. The joint resolution reported by the Committee on Reconstruction was then adopted.—Yeas 120, nays 46.

The Senate, on the 5th of February, proceeded to consider the Joint Resolution as passed by the House of Representatives, which provided that "Representatives shall be apportioned among the several States which may be included within this Union according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed: *Provided*, That whenever the elective franchise shall be denied or abridged in any State on account of race or color, all persons therein of such race or color shall be excluded from the basis of representation."

Mr. Sumner of Massachusetts addressed the Senate in an elaborate and exhaustive speech. Before closing he yielded to a motion to adjourn. On the 6th Mr. Sumner resumed the floor and concluded his speech. He opposed the amendment and maintained the constitutional power of Congress to regulate suffrage in the States. He closed by saying: "The gospel, according to Calhoun, is only another statement of the imposture, that this august Republic, founded to sustain the rights of Human Nature, is nothing but a 'white man's Government.'

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Against this assumption I protest with mind, soul, and heart. It is false in religion, false in statesmanship, and false in economy. It is an extravagance, which, if enforced, is foolish tyranny. Show me a creature, with erect countenance looking to heaven, made in the image of God, and I show you a MAN, who, of whatever country or race, whether darkened by equatorial sun or blanched by northern cold, is with you a child of the Heavenly Father, and equal with you in title to all the rights of Human Nature. You cannot deny these rights without impiety. And so has God linked the national welfare with national duty, you cannot deny these rights without peril to the Republic. It is not enough that you have given Liberty. By the same title that we claim Liberty do we claim Equality also. One cannot be denied without the other. What is Liberty without Equality? What is Equality without Liberty? One is the complement of the other. The two are necessary to round and complete the circle of American citizenship. They are the two lobes of the mighty lungs through which the people breathe the breath of life. They are the two vital principles of a Republican Government, without which a Government, although republican in name, cannot be republican in fact. These two vital principles belong to those divine statutes which are graven on the heart of Universal Man, even upon the heart of the slave who for

gets them, and upon the heart of the master who denies them; and whether forgotten or denied, they are more enduring than marble or brass, for they share the perpetuity of the Human Family.

The Roman Cato, after declaring his belief in the immortality of the soul, added, that if this were an error, it was an error which he loved. And now, declaring my belief in Liberty and Equality as the God-given birth-right of all men, let me say, in the same spirit, if this be an error, it is an error which I love; if this be a fault, it is a fault which I shall be slow to renounce; if this be an illusion, it is an illusion which I pray may wrap the world in its angelic forms."

On the 7th, the Senate resumed the consideration of the resolution. Mr. Sumner had offered an amendment in the form of a bill granting suffrage, and Mr. Henderson of Missouri moved to amend that amendment by striking out and inserting "Article 14. No State, in prescribing the qualifications requisite for electors therein, shall discriminate against any person on account of color or race." Mr. Fessenden of Maine, chairman of the Committee on Reconstruction, made an elaborate speech in support of the amendment, and in explanation of the action of the reconstruction committee. He did not think it to be his duty as a legislator, to trouble himself much about what are called abstractions. His constituents did not send him there to philosophize; they sent him there to act, to find

out what was best for the good of the whole, and to do it. The proposition tended to produce the great result they wished to accomplish. "It says to these people, to all people, mind you, that all men should be equal, it says to all the people of the United States, 'You shall be represented in Congress, but as we fear that you may be governed by narrow views, as we fear that you will do injustice to a portion of the people under your charge, and that you will not carry out the great principles which lie at the foundation of the Constitution itself, and of all free and republican government, we say to you that you shall not have political power any further than you show by your action that you are disposed to let all under your charge participate in it.'"

On the 8th, Mr. Lane of Indiana made an eloquent speech in advocacy of the constitutional amendment. He said, "If the President's plan means that we shall now, here and to-day open wide the doors for the admission to these rebel representatives into Congress, then I am against it; I am opposed to it; they cannot be admitted at present with benefit to themselves or safety to the nation, and the resurrection trump shall sound the summons of these rebels to the general judgment before my voice or vote shall summon them to these Halls."

On the 9th, Mr. Johnson of Maryland spoke in opposition to the amendment. He said, "that to

quiet the country, to reinstate it in the prosperity which it had and which it has temporarily lost, to bring us all together again as one family, endowed with a capacity of winning a name which will make us the envy of the world, let us take them to our bosom, trust them, and as I believe in my existence, you will never have occasion to regret it. You will, if the event occurs, look back to your participation in it in future time with unmingled delight, because you will be able to date from it a prosperity and a national fame of which the world furnishes no example, and you will be able to date from it the absence of all cause of differences which can hereafter exist, which will keep us together as one people, looking to one destiny, and anxious to achieve one renown."

On the 13th, Mr. Sumner withdrew his amendment, and moved to amend the original resolution, so that all persons excluded from the basis of representation should be exempt from taxation of all kinds. Mr. Henderson of Missouri addressed the Senate in an elaborate speech, but before concluding gave way to a motion to adjourn, and the next day he resumed the floor and concluded his speech. He advocated his amendment providing that no distinction should be made in the elective franchise on account of color or race. "The reasons in favor of my proposition," he said, "are inseparably connected with all I have said. I need not repeat them. Every consideration of peace demands it.

It must be done to remove the relics of the rebellion. It must be done to pluck out political disease from the body politic, and restore the elementary principles of our government. It must be done to preserve peace in the States and harmony in our Federal system. It must be done to assure the happiness and prosperity of the southern people themselves. It must be done to establish in our institutions the principles of universal justice. It must be done to secure the strongest possible guarantees against future wars. It must be done in obedience to that golden rule which insists upon doing to others what we would that others should do unto us. It must be done if we would obey the moral law that teaches us to love our neighbors as ourselves. In fine, it must be done to purify, strengthen, and perpetuate a government, in which are now fondly centered the best hopes of mankind." Mr. Clarke of New Hampshire spoke earnestly and eloquently in favor of the joint resolution. "Tell me," he said, "why two hundred thousand black men, most of whom volunteered to fight your battles, should not be permitted to participate in that Government which they helped to preserve? When you enlisted and mustered these men, when your Adjutant General went South and gathered them to the recruiting office, and persuaded them to join your ranks, did he, or any one, tell them this was the white man's Government? When they came to the rendezvous did you point to the sign over the door, ~~and~~ 'Black men wanted to defend the

white man's Government?" When you put upon them the uniform of the United States, did you say, 'Don't disgrace it; this is the white man's Government?' When they toiled on the march, in the mud, the rain, and the snow, and when they fell out of the ranks from sheer weariness, did you cheer them on with the encouragement 'that this is the white man's government?'

When they stood on picket on the cold, stormy night to guard you against surprise, did you creep up and warm their congealing blood with an infusion of the white man's government? When, with a wild hurrah, on the 'double quick,' they rushed upon the enemy's guns, and bore your flag where men fell fastest, and war made its wildest havoc, where explosion after explosion sent their mangled bodies and severed limbs flying through the air, and they fell on glacis, ditch, and scarp and counterscarp, did you caution them against such bravery, and remind them that 'this was the white man's government?' And when the struggle was over, and many had fought 'their last battle,' and you gathered the dead for burial, did you exclaim, 'Poor fools! how cheated! this is the white man's Government?' No, no, sir; you beckoned them on by the guerdon of freedom, the blessings of an equal and just Government, and a 'good time coming.'"

On the 15th, Mr. Williams of Oregon addressed the Senate in favor of the resolution. "I know,"

he said, "that history teaches that acts of magnanimity on the part of the conqueror toward the conquered will tend to conciliate and make peace ; but it seems sometimes as though history was at fault as to these people, and as though there was nothing that would touch their hearts or their actions but the irresistible power of the Federal Government, the gleam of its flashing swords, and the glitter of its conquering bayonets. Sir, this nation is to live, and not die. God has written it among the shining decrees of destiny. Inspired by this hope, and animated by this faith, we will take this country through all its present troubles and perils to the promised land of perfect unity and peace, where freedom, equality and justice, the triune and tutelary deity of the American Republic, will rule with righteousness a nation 'whose walls shall be salvation, and whose gates praise.'"

Mr. Hendricks of Indiana, on the 16th, opposed the amendment. He did not wish to make colored people voters. He said : "I am not going to discuss the question whether the colored man is the equal of the white man. I think there need be no discussion on a question like that. But without reference to that, without reference to the question of equality, I say that we are not of the same race; we are so different that we ought not to compose one political community. Had the white men of this country a right to establish a Government, and thereby a political community? If so, they had a



right to say who should be members of that political community. They had a right to exclude the colored man if they saw fit. Sir, I say, in the language of the lamented Douglass, and in the language of President Johnson, this is the white man's Government, made by the white man for the white man. I am not ashamed to stand behind such distinguished men in maintaining a sentiment like that."

On the 19th, Mr. Howard of Michigan submitted an amendment granting the right of voting to the following persons of African descent, citizens of the United States, namely, all males of the age of twenty-one who have been enrolled in the army or navy; all males of like age able to read and write; all males of like age in the possession of property of the value of \$250. And Congress shall, in default of State laws necessary to carry into effect this provision, have full power so to do by legislation applicable to all the States. Mr. Yates of Illinois pronounced in favor of universal suffrage. He maintained that the ballot alone would give the nation a peaceful and harmonious South. It would quench the fires of discord, give back all the States, make a restored Union and one people. He closed by saying: "Senators, sixty centuries of the past are looking down upon you. All the centuries of the future are calling upon you. Liberty, struggling amid the rise and wrecks of empires in the past, and yet to struggle for life in all the nations

of the world, conjures you to seize this great opportunity which the providence of Almighty God has placed in your hands to bless the world and make your names immortal, to carry to a full and triumphant consummation the great work begun by your fathers, and thus lay permanently, solidly, and immovably the cap-stone upon the pyramid of human liberty."

Mr. Buckalew of Pennsylvania, on the 21st, spoke against the amendment. He denounced the representation of New England in the Senate as potent and pernicious, and suggested as a remedy, an amendment to the Constitution, readjusting senatorial representation. Mr. Wilson of Massachusetts said in reply to Mr. Buckalew: "Thousands of millions of money have been expended, and hundreds of thousands of brave men have bled for the unity and liberty of the Republic. I desire—my associates from New England desire—to see these vacant chairs filled at an early day by the representatives of the States that rebelled and rushed into civil war. We will welcome them here; but before they come it is of vital importance to the country, to the people of all sections, to the interests of all, that all disturbing questions should be forever adjusted, and so adjusted as never again to disturb the unity and peace of the country. It is now the time to settle forever all matters that can cause estrangement and sectional agitations and divisions in the future. Nothing should

be left to bring dissensions, and, it may be, civil war again upon our country. The blood poured out to suppress the rebellion must not be shed in vain. I hope, and I know the Senators from New England ardently hope, for the speedy adjustment of all matters between the different sections of the country.

The Senators from New England, unlike the Senator from Pennsylvania, remained not silent during the great civil war through which the nation has passed. They have spoken; they have spoken for the unity of their country and the freedom of all men. They have spoken for their country, their whole country, and for the rights of all its people of every race. Their past is secure, and the imputations of the Senator from Pennsylvania, will pass harmless by them."

On the 31st Mr. Pomeroy of Kansas addressed the Senate in an elaborate speech in favor of universal suffrage. He was opposed to doing anything by induction; he was in favor of the amendment proposed by the Senator from Missouri, or of any legislation under the late amendment to the constitution.

Mr. Saulsbury on the 6th spoke in opposition to the amendment, and on the 7th Mr. Sumner spoke at great length in opposition to the amendment. He said: "The proposition is as hardy as it is gigantic; for it takes no account of the moral sense of mankind, which is the same as if in rearing a

monument we took no account of the law of gravitation. It is the paragon and master-piece of ingratitude, showing more than any other act of history what is so often charged and we so fondly deny, that republics are ungrateful. The freedmen ask for bread, and you send them a stone. With piteous voice they ask for protection. You thrust them back unprotected into the cruel den of their former masters. Such an attempt, thus bad as bad can be; thus abortive for all good; thus perilous; thus pregnant with a war of race upon race; thus shocking to the moral sense, and thus treacherous to those whom we are bound to protect, cannot be otherwise than shameful. Adopt it, and you will cover the country with dishonor. Adopt it, and you will fix a stigma upon the very name of Republic. As to the imagination, there are mountains of light, so are there mountains of darkness; and this is one of them. It is the very Koh-i-noor of blackness."

Mr. Doolittle expressed the opinion that when the next census should be taken, two-fifths of the colored population would be under the ground. It was an appalling fact, but he believed it to be as true as holy writ. On the 8th Mr. Morrill of Maine spoke for the amendment. "I hail," he said, "with something like a sense of gratitude the proposition of the committee on reconstruction, because it recognizes at least the great fundamental principle of American constitutional law and liberty, that re-

presentation in the national councils ought to be based on citizenship, and so far as the national councils are concerned it shall rest nowhere else. That is the significance of this proposition. Contemplating it in that view I content myself to vote for it, although I think it inadequate to the immediate exigency of the times. I would much prefer to say to these States, 'If you desire to be represented at all in these Halls you shall do equal and exact justice to all the citizens of the United States, without regard to color.' That is the mandate that should go forth from these Halls. That is the equal and exact justice which this nation should hold out to these men, but recently the enemies of the nation in arms, before they should be permitted to set their feet in these Chambers to represent themselves."

Mr. Wilson said there were indications not to be mistaken, that this amendment was doomed to defeat; that result would be to him a subject of sincere and profound regret. His heart, his conscience and his judgment approved of the amendment, and he supported it without qualification or reservation. He believed that suffrage was a weapon of self-protection and it ought to be granted to the freedmen. He said: "If after having called one hundred and eighty thousand men of the colored race, native-born American citizens, to fight our battles, after the aid they have given us, after they refused to take the musket for the defense of the confed-

eracy when the confederacy appealed to them to do it, if we refuse to extend to them the suffrage, the weapon of protection, it will bring upon this nation, as slavery brought upon it, the curse of an offended God. I believe in the years to come we shall be punished for it as we have been punished for four weary years with fire and blood and death for two centuries of oppression. These States summoned the black man to fight the battles of the endangered country, put the musket in his hands, gazed with beaming eye upon his glittering steel, and heard the inspiring music of his tramp as he moved away to fight, bleed, die, that the nation might live, and saw those men come back maimed and wounded. And yet, after all the fidelity and heroic conduct of these men, prejudice, party spirit, and conservatism, and all that is base and mean on earth combine to deny the right of suffrage to the brave soldier of the Republic. God alone can forgive such meanness; humanity cannot. After what has taken place, ~~is~~ taking place, I cannot hope that the constitutional amendment proposed by the Senator from Missouri will receive a majority of three-fourths of the votes of the States. I therefore cannot risk the cause of an emancipated race upon it. In the present condition of the nation we must aim at practical results, not to establish political theories, however beautiful and alluring they may be."

On the 9th of March Mr. Fessenden closed the debate, speaking chiefly in reply to Mr. Sumner;

he thought it to be his duty to obtain as much as possible, and he therefore supported this proposition, although it came short of what he desired. The debate was further continued by Mr. Sumner, Mr. Wilson, Mr. McDougall and Mr. Henderson. Mr. Conness intended to vote for the original proposition and should therefore vote against the several amendments without reference to their merits. The vote was then taken on Mr. Henderson's amendment, providing that no State should discriminate against any person in the elective franchise on account of color or race, and it was rejected.—Yeas 10, nays 37. The question then recurring on Mr. Sumner's amendment—that there should be no oligarchy, aristocracy, caste or monopoly invested with peculiar privileges and powers and no denial of rights, civil or political, on account of color or race, but all persons should be equal before the law, in the court-room or at the ballot-box. Mr. Clark of New Hampshire moved to amend by striking out and inserting an amendment basing representation on suffrage. This amendment was discussed by Mr. Creswell, Mr. Anthony and Mr. Johnson. Mr. Cowan stated his objection to any amendment of the Constitution concerning suffrage. "It strikes," he said, "at the very vital part of the Constitution; it strikes at that very part which is essential to the whole; it destroys the freedom of the States; it destroys the Republican form of government of the States." Mr. Clark withdrew his amendment, and

Mr. Sumner made a slight modification of his amendment. The vote was taken upon it and it was rejected.—Yeas 8, nays 39. On motion of Mr. Clark of New Hampshire the original resolution was amended.—Yeas 26, nays 20. Mr. Yates then moved to strike out the original resolution and insert: "That no State or Territory shall by any constitution, law, or other regulation, make or enforce in any way, or in any manner recognize any distinction between citizens on account of race or color or previous condition of slavery; and that hereafter all citizens, without distinction of race, color, or previous condition of slavery, shall be protected in the full and equal enjoyment and exercise of all their civil and political rights, including the right of suffrage." It was rejected—Yeas 8, nays 38. Mr. Doolittle then moved as a substitute a section basing representation on qualified voters—rejected.—Yeas 12, nays 31. Mr. Sumner then moved to amend by striking out a portion of the original resolution, and inserting a provision that the elective franchise should not be denied or abridged in any State on account of race or color. The amendment was rejected.—Yeas 8, nays 38. Mr. Sumner then moved that all persons denied the right of suffrage should be exempted from taxation of all kinds; the amendment was rejected. The question was then taken on the passage of the joint resolution—Yeas 25, nays 22—two-thirds of the Senators not having voted for the resolution, it was



rejected. On motion of Mr. Henderson the Senate reconsidered the vote rejecting the resolution. Mr. Doolittle then moved an amendment as a substitute basing representation on qualified voters, and Mr. Sherman moved a substitute for the same.

On the 12th Mr. Grimes and Mr. Sumner introduced amendments, being modifications of the amendment introduced in the House by Mr. Broomall of Pennsylvania, which provided that whenever male citizens should be excluded from suffrage in any State, the representation should be reduced in the proportion which the number excluded bears to the whole number of citizens. Mr. Wilson introduced an amendment to Mr. Doolittle's amendment basing representation on qualified voters. Mr. Wilson's amendment provided that representation should be based on the number of male citizens over twenty-one years of age having the qualifications for electors, and persons of like age not naturalized. The original joint resolution and amendments were not again considered by the Senate.

## CHAPTER XI.

### AMENDMENT TO THE CONSTITUTION.

Mr. Stevens' report from Joint Committee.—The amendment.—Speech of Mr. Stevens.—Remarks of Mr. Garfield, Mr. Thayer, Mr. Boyer, Mr. Schenck, Mr. Broomall, Mr. Raymond, Mr. Boutwell, Mr. Spaulding.—Speech of Mr. Eliot.—Remarks of Mr. Dawes.—Resolution passed the House.—Remarks of Mr. Howard.—Mr. Wade's Amendment.—Mr. Wilson's amendment.—Mr. Clark's amendment.—Mr. Buckalew's amendment.—Mr. Howard's amendment.—Mr. Doolittle's amendment to Mr. Howard's amendment rejected.—Mr. Van Winkle's motion to amend.—Speech of Mr. Poland, Mr. Howe, Mr. Johnson.—Mr. Yates' amendment.—Motion of Mr. Clark.—Mr. Fessenden's amendment.—Passage of the Resolution.

In the House of Representatives on the 30th of April, 1866, Mr. Stevens of Pennsylvania, from the Joint select Committee on Reconstruction reported a joint resolution proposing an amendment to the Constitution of the United States. The amendment proposed provided that :—

SEC. 1. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens ; nor deprive any person of life, liberty, or property without due process of law ; nor deny to any person the equal protection of the laws.

SEC. 2. Representatives shall be apportioned among the States according to their respective num-

bers, counting the whole number of persons, excluding Indians not taxed. But whenever, in any State, the elective franchise shall be denied to any male citizens not less than twenty-one years of age, or in any way abridged except for participation in rebellion or other crime, the basis of representation in such States shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens not less than twenty-one years of age.

SEC. 3. Until the 4th day of July, in the year 1870, all persons who voluntarily adhered to the late insurrection, shall be excluded from the right to vote for Representatives, and for President and Vice President of the United States.

SEC. 4. Neither the United States nor any State shall assume or pay any debt or obligation already incurred, or which may be incurred, in aid of insurrection against the United States, or any claim for compensation for loss of involuntary service.

SEC. 5. The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

On the 8th of May the House proceeded to consider the joint resolution, and Mr. Stevens addressed the House in its support. He said the proposition was not all the committee desired. "It falls," he said, "far short of my wishes, but it fulfills my hopes. I believe it is all that can be obtained in the present state of public opinion. Not only Congress but the

several States are to be consulted. Upon a careful survey of the whole ground, we did not believe that nineteen of the loyal States could be induced to ratify any proposition more stringent than this. I say nineteen, for I utterly repudiate and scorn the idea that any State not acting in the Union is to be counted on the question of ratification. It is absurd to suppose that any more than three-fourths of the States that propose the amendment are required to make it valid; that States not here are to be counted as present. Believing, then, that this is the best proposition that can be made effectual, I accept it. I shall not be driven by clamor or denunciation to throw away a great good because it is not perfect. I will take all I can get in the cause of humanity and leave it to be perfected by better men in better times. It may be that that time will not come while I am here to enjoy the glorious triumph; but that it will come is as certain as that there is a just God."

Referring to the constitutional amendment which had been rejected in the Senate, he expressed his mortification at its defeat. "It was defeated," he said, "by the united forces of self-righteous Republicans and unrighteous Copperheads. It was slaughtered by a puerile and pedantic criticism, by a perversion of philological definition which, if when I taught school, a lad who had studied Lindley Murray had assumed, I would have expelled from the institution as unfit to waste education upon." He

expressed the hope that the present proposition, less efficient he admitted, than the one rejected by the Senate, would be adopted. "That article referred to provided that if *one* of the injured race was excluded the State should forfeit the right to have any of them represented. That would have hastened their full enfranchisement. This section allows the States to discriminate among the same class, and receive proportionate credit in representation. This I dislike. But it is a short step forward. The large stride which we in vain proposed is dead; the murderers must answer to the suffering race. I would not have been the perpetrator. A load of misery must sit heavy on their souls."

Mr. Finck of Ohio followed in opposition to the amendment, which he denounced as a monstrous and revolutionary scheme. He thought the time had come when the feelings of sectional hate and animosity should give way to the higher and nobler principles of magnanimity, of kindness, conciliation and true charity. Mr. Garfield of Ohio said that he believed the right to vote, if not one of the natural rights of men, was so necessary to the protection of their natural rights, as to be indispensable and therefore equal to natural rights.

Mr. Thayer of Pennsylvania trusted that the proceedings of the House that day would silence at once and forever the clamorous calumnies industriously propagated by designing persons, that Congress had no intention of taking any steps for the

restoration of peace and concord to the whole country. Mr. Boyer of Pennsylvania said that the late rebellious States, exhausted by an unequal strife, conquered by overwhelming numbers, lay prostrate at the feet of the federal power, their population decimated and impoverished, their resources crippled and the cause for which they fought so madly and suffered so much, hopelessly and forever lost. He was for the admission of Senators and Representatives. "Every hour," he said, "during which we govern the eleven States with their twelve million people as conquered provinces, carries us further away from the original landmarks of the Constitution, and brings us nearer to centralization and military despotism."

Mr. Schenck of Ohio followed in support of the amendment, and especially that provision excluding rebels from participation in the government. The debate was further continued by Mr. Kelley of Pennsylvania, and Mr. Smith of Kentucky. On the 9th the debate was resumed by Mr. Broomall of Pennsylvania in favor of the amendment. Mr. Shanklin of Kentucky followed in opposition to the amendment. He demanded that the Joint Committee on Reconstruction should be discharged, the Freedmen's Bureau abolished, the Civil Rights bill repealed, and Senators and Representatives from rebel States admitted.

Mr. Raymond of New York advocated the amendment with the exception of the provision excluding

rebels from the right of suffrage until the year 1870: he said, "if history teaches anything, if any principle is established by the concurrent annals of all nations and all ages, it is that sentiment cannot be coerced; that opinions, even, cannot be controlled by force; and that with any people fit to be free or to be the countrymen of men who are free, all such efforts defeat themselves and intensify and perpetuate the hostilities sought to be overcome."

Mr. McKee of Kentucky desired that the loyal alone should rule the country which they alone had saved. He desired that the widows and orphans of the slain soldiers of the Republic should be spared the insult of having traitors make laws for them. The amendment was opposed by Mr. Eldridge of Wisconsin. He expected that it would be long years before these bloody days would be forgotten either in the north or in the south, but the sooner they forgot and forgave, the better it would be for the nation. Mr. Boutwell of Massachusetts was for a Union and for that Union only in which there was substantial justice among the men and between the States composing it. He said that every traitor in the South, and every sympathizer with treason in the North, sustained the policy of the Democratic party and of the President. "We are," he said, "the conservative, the order-seeking, the Union-loving, the loyal men of the country. They who oppose measures for the

pacification of the country with reference to the rights of the States and the rights of men are the disorganizers, the disloyal and dangerous men of this Republic."

Mr. Spalding of Ohio, believing in the patriotism, wisdom and sagacity of the Committee on Reconstruction, would vote for one and all of their propositions. The amendment was further advocated by Mr. Miller of Pennsylvania. He expressed his great gratification that Mr. Stevens had consented to forego some of his own views to meet those of his Republican friends in the House.

"I can have no doubt," said Mr. Eliot of Massachusetts, "that the duty is laid upon us by events which we could not control so to legislate that the restored Union shall be perpetual. Our people demand this now at our hands. The responsibility is fearful, but it is glorious too, if only we do right. Never had any Congress such questions to determine. They enter into the whole future life of the Republic. We have seen the false corner-stone knocked from beneath the temple. It must be replaced by a corner-stone of righteousness, solid and square and true. And that work is in our hands, and it must be done." The debate was further continued by Mr. Shellabarger of Ohio, Mr. Wilson of Iowa and Mr. Raymond of New York.

On the 10th the debate was resumed by Mr. Randall of Pennsylvania. He predicted that the great conservative men of the country would, under



the lead of the President, come into possession of the government. Mr. Strouse of Pennsylvania briefly opposed the amendment. Mr. Banks of Massachusetts said that anything that left the basis of political society in the southern States untouched, left the enemy in condition to renew the war at his pleasure, and gave him absolute power to destroy the government whenever he chose. No proposition would meet his entire approval that did not propose a radical change in the basis of political society in the southern States. "It is but just," he said, "that they should be restricted to a fair share of representative power. But they do not seek to govern by opinion. They do not rely on ideas for success. They govern by force. Their philosophy is force. Their tradition is force. Whether they be few or many, they will have power whenever they are restored here. While, therefore, sir, I accord cheerfully with the proposition, it does not meet the emergency presented at this time."

Mr. Eckley of Ohio maintained that there was a necessity for a fundamental change of the law of the land. Mr. Finck, his colleague, had, he said, sounded the alarm at the proposition. "The old ship," he said, "has outrode worse storms than he and his colleagues can invoke from the people of the South, and she will outride this; and we shall, I hope, all live to see the day when this proposition shall become a part of the Constitution, with the same acquiescence of its predecessor, that, like this

one, was born amid the storms of southern rebels and northern copperheads."

Mr. Longyear of Michigan expressed the hope that the sword of justice would continue to hang over the portals of these halls, and no traitor would be allowed to pass their thresholds. He was followed by Mr. Beaman of the same State, who expressed his intention to move to strike out the third section of the amendment and insert a provision excluding certain classes of rebels from holding office.

Mr. Rogers of New Jersey denounced the amendment as an indirect way of inflicting negro suffrage upon the people of the South. "God deliver this people," he exclaimed, "God deliver this people from such a wicked, odious, pestilent despotism! God save the people of the South from the degradation by which they would be obliged to go to the polls and vote side by side with the negro!"

The amendment was supported by Mr. Farnsworth of Illinois. "The whole copperhead fraternity," he said, "applaud the President. Rebels South and sympathizers with rebellion North glorify Andrew Johnson; the devilish company of traitors praise him; the confederates of Booth and Payne praise him; the importers of poisoned clothing praise him; the glorious company of Jeff. Davis, his cabinet, his congress, his generals, with all the enemies of freedom in our own land, glorify him; and the enemies of liberty and republican insti-

tutions throughout the world, all who were on the side of the rebellion and against us throughout the war, praise and magnify his name."

Mr. Dawes of Massachusetts would give the measure, with the exception of the 3d section, his hearty support, but he would vote for the amendment, even if he could not get that section excluded. Mr. Bingham of Ohio said: "I trust, Mr. Speaker, that after the roll shall have been called this day, and the departing sun shall have gilded with its last rays the dome of the Capitol, it will not be recorded by the pen of the historian that the sad hour had come to this great Republic which, in the day of its approaching dissolution, came to the republic of ancient Rome, when it was said Cæsar had his party, Antony had his party, Brutus had his party, but the Commonwealth had none." The want of the Republic was not a Democratic party but a party for the Union, for the Constitution, for the supremacy of the laws, for the restoration of all the States to their political rights and powers under irrevocable guarantees."

Mr. Stevens was gratified to see so much unanimity among his political friends, but he was not gratified to see a division among them, on what he regarded the vital proposition—the exclusion of rebels from the right of suffrage. He did not care the snap of his finger whether the measure passed or not if that provision was stricken out. "Do not," he said, "I pray you, admit those who have

slaughtered half a million of our countrymen until their clothes are dried, and until they are re-clad. I do not wish to sit side by side with men whose garments smell of the blood of my kindred. Gentlemen seem to forget the scenes that were enacted here years ago.

Ah, sir, it was but six years ago when they were here, just before they went out to join the armies of Catiline, just before they left this Hall. Those of you who were here then will remember the scene in which every southern member, encouraged by their allies, came forth in one yelling body, because a speech for freedom was being made here; when weapons were drawn, and Barksdale's bowie-knife gleamed before our eyes. Would you have these men back again so soon to re-enact those scenes? Wait until I am gone, I pray you." Mr. Stevens moved the previous question and it was ordered.—Yeas 84, nays 79. The joint resolution was then passed—Yeas 128, nays 37.

The Senate on the 23d of May, proceeded to the consideration of the joint resolution, proposing an amendment to the constitution. In the absence of Mr. Fessenden, on account of illness, Mr. Howard of Michigan, a member of the committee, spoke in explanation of its provisions. Mr. Wade of Ohio moved to amend by striking out the article and inserting an amendment in four sections. This amendment left out the 3d section of the House proposition excluding rebels from suffrage until

1870. Mr. Wade's amendment proposed that no class of persons, as to the right of any of whom to suffrage, discrimination should be made, should be included in the basis of representation, unless such discrimination should be in virtue of impartial qualifications founded on intelligence or property or because of alienage, or for participation in rebellion or other crime. Mr. Wilson suggested that the word "property" as a qualification for suffrage, be stricken out. Property as a qualification for suffrage in this country ought not to be incorporated into the Constitution of the United States. Mr. Wade said he had already modified his amendment so as to strike out the word "property."

Mr. Wilson moved to amend the second section relating to the basis of representation, so as to strike out "citizens of the State," and insert "inhabitants, being male citizens of the United States." He thought the distinction was of vital importance. He then moved to strike out the third section excluding rebels from the right of suffrage until 1870, and to insert in lieu of it, "That no person who has resigned or abandoned or may resign or abandon any office under the United States, and has taken or may take part in rebellion against the Government thereof, shall be eligible to any office under the United States or of any State." Mr. Clark of New Hampshire proposed an amendment to the third section, providing that no person should hold any office under the Government, who, having

taken an oath to support the Constitution, should have engaged in the rebellion. Mr. Buckalew of Pennsylvania offered an amendment providing that this constitutional amendment should be submitted to Legislatures hereafter to be chosen.

The Senate on the 24th resumed the consideration of the proposed amendment to the Constitution, and Mr. Stewart of Nevada addressed the Senate in an elaborate speech in favor of amnesty and suffrage. He said: "The triumph of arms was complete. The question now presented is, shall the triumph of democratic principles be equally so? There are two great obstacles in the way, both based upon passion and prejudice, and each seems nearly insurmountable. One is hatred of rebels, and a demand that they shall be disfranchised and enslaved—for disfranchisement is slavery. The other is hatred of the negro, and a demand that he shall be disfranchised and robbed of the power of self-protection and virtually re-enslaved." Mr. Johnson moved to strike out the third section of the resolution. Mr. Sherman suggested an amendment basing representation on suffrage.

The Senate resumed on the 29th the consideration of the joint resolution, the pending question being on the motion of Mr. Johnson to strike out the third section, and it was stricken out.—Yeas 43, nays 0. Mr. Howard moved a series of amendments to the joint resolution. These amendments had been agreed upon in a caucus of Republican

Senators, and Mr. Howard was designated to present them. The first amendment was to add to the first section the words "All persons born in the United States and subject to the jurisdiction thereof are citizens of the United States and of the States wherein they reside." The second amendment proposed to strike out the word "citizens" in the second section and insert "inhabitants, being citizens of the United States." The third amendment was to insert in lieu of the third section disfranchising rebels: "No person shall be a Senator or Representative in Congress, or an elector of President and Vice President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath as a member of Congress, or as an officer of the United States, or as a member of any State Legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof; but Congress may, by a vote of two-thirds of each House, remove such disability."

On the 30th the Senate resumed the consideration of the joint resolution, the pending question being the first amendment moved by Mr. Howard. Mr. Doolittle desired so to amend that amendment so as to provide that Indians not taxed should not be citizens of the United States. Mr. Cowan, Mr. Conness, Mr. Doolittle, Mr. Trumbull, Mr. Johnson,

Mr. Hendricks, Mr. Howard, Mr. Williams and Mr. Van Winkle took part in the further discussion of this amendment, and it was rejected.—Yeas 10, nays 30. Mr. Howard's amendment to strike out "citizens" in the second section and insert "inhabitants, being citizens of the United States," was agreed to. Mr. Howard's next amendment to insert in lieu of the third section disfranchising rebels, a provision disqualifying persons from holding office who had taken an oath to support the Constitution, and afterwards gave aid and comfort to the rebellion, was then considered. Mr. Hendricks of Indiana moved to so amend it as to apply only to those persons who engaged in rebellion during their term of office, and this amendment was supported by Mr. Hendricks, Mr. Van Winkle, Mr. Johnson, Mr. Guthrie; opposed by Mr. Howard and Mr. Sherman, and rejected.—Yeas 8, nays 34. Mr. Johnson then moved so to amend Mr. Howard's amendment as not to include members of the State Legislatures, or members of the executive or judicial officers of the States. The amendment was rejected.—Yeas 10, nays 32. Mr. Johnson then moved so to amend Mr. Howard's amendment as only to exclude rebels who had taken the oath to support the Constitution within ten years. The amendment was rejected.—Yeas 10, nays 32. Mr. Saulsbury of Delaware then moved so to amend the amendment that the President might remove the disability by the exercise of the pardoning power; but the amend-



ment was rejected.—Yeas 10, nays 32. On the 31st of May Mr. Doolittle spoke in opposition to the incorporation of disfranchisement into the Constitution of the United States. He closed by proposing to amend Mr. Howard's amendment so that it should only apply to persons who "voluntarily" engaged in the rebellion.

Mr. Davis declared that this proscriptive amendment operated alike inexorably on those who willed to go into the rebel service, and those who were involuntarily forced into it. He denounced the measure as tending to prevent a return of the rebel States to loyalty and true fealty. Mr. Willey of West Virginia thought the incorporation of this amendment into the proposed constitutional amendment would emasculate it—that it would be claimed that few entered the rebel service voluntarily. Mr. Saulsbury of Delaware said there had been a clamor in one section of the country against a subdued and fallen foe, and it was popular to cry out for blood and vengeance. "I choose," said he, "to say, for one, I heed not the clamor. Let it come with the whirlwind's power; let it come in the tornado's blast; let it come in the earthquake's shock; I stand unmoved amid the clamor for blood and vengeance. I heed it not. I will not listen to it. It is the voice of error; and it will not be long before the American people, North and South, will awaken and listen to the voice of reason."

The question was then taken on Mr. Doolittle's

amendment to insert the word "voluntarily," and it was rejected.—Yeas 10, nays 30. Mr. Doolittle then moved to so amend Mr. Howard's amendment as to except those who had received pardon and amnesty under the Constitution and laws, and would take such oaths as should be required by law. His amendment was rejected.—Yeas 10, nays 32. Mr. Howard's amendment was then agreed to.—Yeas 32, nays 10.

On the 4th of June the Senate resumed the consideration of the joint resolution, the question being on Mr. Howard's motion to insert: "The obligations of the United States, incurred in suppressing insurrection, or in defense of the Union, or for payment of bounties or pensions incident thereto, shall remain inviolate." Mr. Hendricks then addressed the Senate in an elaborate speech in opposition to the amendment. Mr. Howard's amendment was then agreed to without a division. The section relating to rebel debts and payment for emancipated slaves was modified on motion of Mr. Howard. Mr. Van Winkle then moved to amend the joint resolution so as to provide that all persons excluded from holding office, against whom no prosecution for treason should be instituted before the expiration of — years, and who should take an oath to support the Constitution, should be acquitted of and discharged from all pains, penalties, liabilities, disabilities and disqualifications.

This amendment was supported by Mr. Van

Winkle, and opposed by Mr. Howard and Mr. Sherman and was rejected.—Yeas 8, nays 26. It was then moved by Mr. Hendricks to strike out the section relating to the elective franchise, and insert a provision excluding two-fifths of those to whom the elective franchise might be denied, but this was rejected without a division. Mr. Doolittle then renewed his motion to base representation on qualified electors. He spoke in support of his amendment, and it was opposed by Mr. Edmunds of Vermont.

On the 5th of June the Senate resumed the consideration of the resolution, and Mr. Poland of Vermont addressed the Senate at length in its support. The proposition did not do justice to the colored men of the South, but it went as far in favor of suffrage as was practicable at that time. He said there were men who believed the nation was on the verge of ruin ; they were either cowards or croakers who always saw the dark side of the picture ; to him everything looked hopeful for the future.

Mr. Howe of Wisconsin then proceeded to address the Senate, but before concluding gave way to a motion to adjourn. On the 6th Mr. Howe resumed the floor and spoke at great length in support of the proposition. He said : \* \* \* \* \*

“For myself, I avow here, as I have avowed everywhere, that everything I have asked to have done in the name of the nation, South or North, in reference to closing up this war, I have asked to have

done not only because I believed the best interests of the poor and the helpless demanded it, but because I believed the best interests of the rich and the powerful demanded it there and here. There is but one measure which meets every want in the nation, and that is justice; justice from the Government to the people; justice between man and man. I believe we are trying to administer justice between man and man, and justice between the Government and the people."

Mr. Doolittle followed in opposition to the joint resolution; the vote was then taken on his motion to base representation on male electors, and it was rejected.—Yeas 7, nays 31. Mr. Doolittle then moved to so amend the joint resolution as to base representation on male citizens. Mr. Sherman explained the reasons for his voting on the question in opposition to his own deliberate judgment. He submitted to the judgment of his friends. Mr. Wilson said: "I regard this amendment as a proposition to strike from the basis of representation two million one hundred thousand unnaturalized foreigners in the old free States, for whom we are now entitled to seventeen Representatives in the other House, and it weakens that part of the country that much. That is all there is in it. It is simply a blow which strikes the two million one hundred thousand unnaturalized foreigners who are now counted in the basis of representation from that basis, and takes the Representatives for that population from the loyal portion of the country for the

benefit of the other end of the country that has been disloyal. That is the proposition, and I shall vote against it."

Mr. Cowan of Pennsylvania was opposed to any amendment of the Constitution, but would vote for the proposition made by Mr. Doolittle. The amendment was rejected.—Yeas 7, nays 31. Mr. Williams of Oregon, a member of the committee on Reconstruction, then moved to amend the Joint Resolution by striking out the section relating to the basis of representation and inserting it in a new form.

On the 7th of June the Senate resumed the consideration of the Joint Resolution, and Mr. Davis of Kentucky spoke at great length in opposition to it and to the policy of the radicals. He said the paramount object of the radical party was continuance in office and power, and their chief means negro suffrage; and the machinery was a perpetual howl for justice and protection to "loyal citizens of African descent."

The Senate resumed on the 8th of June the consideration of the joint resolution, and Mr. Johnson of Maryland spoke at great length in opposition to it. He thought with peace once more existing throughout the land, the Union would be at once in a more prosperous condition than ever before, and that nothing in the future would ever cause the people to dream of dissolution, or of subjecting any part, through the powerful instrumentality of any other part, to any dishonoring humiliation. Mr. McDougall denounced the measure as radically

wrong—that white men of the Caucasian race were made for governors, and negroes were only fit for a subject race. Mr. Henderson of Missouri made an elaborate and able speech in favor of the amendment which, under all the circumstances, he thought the country should accept, for it did much towards settling some of the vexed questions of the past. Mr. Yates of Illinois suggested an amendment, that nothing therein should deny, abridge, or in any wise affect the rights, franchises or privileges of any inhabitant, guaranteed by the Constitutional amendment abolishing slavery.

The debate was further continued by Mr. Hendricks and Mr. Howard, and the vote was then taken on the amendment proposed by Mr. Williams of Oregon, changing the form of the section relating to representation, and it was agreed to. Mr. Clark of New Hampshire then moved to strike out the fourth and fifth sections relating to the national and rebel debt and payment for slaves, and insert that: "The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations, and claims shall be held illegal and void."

The Senate, on motion of Mr. Fessenden, amended the first section by inserting the words "or naturalized," so that it would read "all persons born or naturalized in the United States shall be citizens." Mr. Doolittle then moved an amendment in the nature of a substitute for the original resolution which was rejected.—Yeas 11, nays 33. Several amendments were moved by Mr. Davis of Kentucky, but they were rejected without division. The joint resolution as amended was then passed.—Yeas 33, nays 11.

The House of Representatives, on the 13th, on motion of Mr. Stevens, proceeded to consider the resolution. Upon the question of concurring in the amendments of the Senate, Mr. Rogers of New Jersey, Mr. Henderson of Oregon, Mr. Finck and Mr. Spalding of Ohio, Mr. Harding of Kentucky, Mr. Defrees of Indiana, and Mr. Wright of New Jersey addressed the House. The debate was closed by Mr. Stevens of Pennsylvania. He was anxious for its speedy adoption for he dreaded delay. The danger was, before any constitutional guards should be adopted, Congress would be flooded with rebels and rebel sympathizers. "Let us," he said, "no longer delay; take what we can get now and hope for better things in future legislation. The House then by a vote of 120 to 32, concurred in the amendments of the Senate, and the amendment to the constitution was submitted to the States for ratification.

## CHAPTER XII.

### NEGRO SUFFRAGE IN THE DISTRICT OF COLUMBIA.

Mr. Wade's Bill.—Mr. Kelley's Bill.—Mr. Wade's Bill reported with amendments.—Recommitted.—Speech of Mr. Kelley, Mr. Bingham, Mr. Grinnell, Mr. Julian, Mr. Boutwell.—Remarks of Mr. Howard.—Mr. Schenck's motion agreed to.—Passage of the Bill.—Senate.—Mr. Wade's Bill reported with amendments.—Mr. Morrill's motion.—Mr. Wilson's motion to amend Mr. Morrill's amendment.—Remarks of Mr. Grimes.—Mr. Anthony's motion to amend Mr. Kelley's amendment.—Speech of Mr. Wilson, Mr. Anthony.—Mr. Cowan's motion—his amendment and speech on female suffrage.—Speech of Mr. Wade.—Remarks of Mr. Frelinghuysen, Mr. Brown, Mr. Davis, Mr. Sprague, Mr. Buckalew.—Speech of Mr. Foster, Mr. Wilson.—Remarks of Mr. Hendricks.—Speech of Mr. Lane, Mr. Sumner.—Mr. Dixon's Reading and Writing amendment rejected.—Mr. Wilson's amendment agreed to.—Bill passed.—Bill taken up in the House and passed.—Veto Message.—Passage of the Bill over the Veto.

DURING the four years of active hostilities, the conquest of the Rebellion rather than the reconstruction of rebellious States, had filled the minds of the loyal people. The sudden collapse of the rebellion, by the surrender of the rebel armies in the spring of 1865, forced the practical issues involved in reconstruction upon the people of the loyal States. The policy of the President, the action of the conventions and legislatures of the rebel States, and the temper of their people in the



summer and autumn of that year, created much solicitude. Fully realizing that the faith of the nation was plighted to maintain the freedom of the race recently emancipated, the people of the loyal States came to see that if the new-made freemen were to maintain their civil rights, they must be clothed with political rights. The more progressive and far-seeing portion of the people clearly saw that the needs of the country no less than the rights of the emancipated race demanded their enfranchisement. When, therefore, the 39th Congress met on the 4th of December, the great body of the friends of emancipation, instructed by passing events, desired the extension of suffrage to the colored race in the District of Columbia, both as a right and as an example.

Immediately after the Senate was called to order on the first day of the session, Mr. Wade of Ohio introduced a bill giving to each male person of the age of twenty-one years, a citizen of the United States, resident in the District six months previous to any election therein, the elective franchise without any distinction of color, race or nationality. On the 6th it was referred to the Committee on the District of Columbia. In the House of Representatives, on the second day of the session, Mr. Kelley of Pennsylvania, one of the earliest advocates of negro suffrage in Congress, introduced a bill extending suffrage in the District, which was referred to the Committee on the Judiciary.

In the House on the 18th Mr. Wilson of Iowa, chairman of the Judiciary Committee, asked unanimous consent to report Mr. Kelley's bill. Mr. Ancona of Pennsylvania objecting, the rules were suspended and it was reported. The bill provided that from all laws prescribing the qualifications of electors in the District of Columbia, the word "white" should be stricken out, and no person should be disqualified on account of color. On motion of Mr. Wilson it was made the special order for the 10th of January.

On the 20th of December Mr. Morrill of Maine, chairman of the Committee on the District of Columbia, reported Mr. Wade's bill to the Senate with amendments, one of which provided that the voter should "be able to read the Constitution in the English language, and to write his name." On the 10th of January, 1866, the Senate proceeded to consider the bill and amendments. Mr. Yates of Illinois, a member of the District Committee, desired to have it recommitted. Mr. Pomeroy of Kansas thought a person might be very well educated and not be able to read the English language, and he had his doubts about requiring reading and writing at all. "It might," he remarked, "do very well to apply it to persons who have always had educational opportunities, but after having legislated them away from schools and science and everything else, to thrust in their faces a law saying, 'If you can read and write, you can vote,' I think

is adding insult to injury. At the suggestion of Mr. Morrill this amendment was passed over and other amendments of slight importance were acted upon. He then offered three new sections as amendments, and the bill was recommitted, on motion of Mr. Yates, to the Committee on the District of Columbia.

In the House on the 10th of January, Mr. Kelley's bill came up for consideration, and Mr. Wilson, chairman of the Committee having it in charge, advocated its passage in a speech of much force. "The Constitution," he said, "not only confers the indisputable power, but it seems also to invite the identical legislation which the pending measure provides. Nowhere in the Constitution do we find class distinctions applied to citizens of the United States. Its ample folds envelop all citizens alike. It in no way develops color of skin as a tenure to the rights and privileges of citizenship. The citizen, be he high or low, rich or poor, white or black, finds the Constitution of his country as full of justice to him as it is to any other. Looking into its bright face as into a mirror, he sees himself reflected a citizen; and of this there is never a failure. This is the crowning glory of our Constitution. The whitest face can draw nothing from that mirror but the image of a citizen, and the same return is given to the appeal of the black face. If ever aught else appears, be sure you are not looking

into the broad, bright surface of the real Constitution, for it never varies, never lies."

Mr. Boyer of Pennsylvania, a new member, earnestly and eloquently opposed the passage of the bill, "not only upon special and local grounds, but also upon the broad, general principle that this is, and of right ought to be a white man's government." He acquitted the authors of the measure of all special malice towards the white inhabitants of Washington.

Mr. Scofield of Pennsylvania followed in vindication of the policy of emancipation and enfranchisement. "The cheapest elevation," he said, "and the best moralizer for an oppressed and degraded class is to inspire them with self-respect, with belief in the possibility of their elevation. Bestow the elective franchise upon the colored population of this District, and you awaken the hope and ambition of the whole race throughout the country. Hitherto punishment has been the only incentive to sobriety and industry furnished these people by American law. They were kept too low to feel disgrace, and reward was inconsistent with the theory of 'service owed.' Let us try now the persuasive power of wages and protection." He closed his powerful speech with the stern declaration that the "North, in a political sense, means justice, liberty and union,"—that 'this North has no geographical boundaries,'—that 'the North that did not fear the slave power in its prime, in the day of its political

strength and patronage, when it commanded alike the nation and the mob, and for the same cruel purpose, will not be intimidated by its expiring maledictions around this capital. The North must pass this bill, to vindicate its sincerity and its courage. The slave power has already learned that the North is terrible in war and forgiving and gentle in peace; let its crushed and mangled victims learn from the passage of this bill that the justice of the North, unlimited by lines of latitude, unlimited by color or race, slumbereth not."

Mr. Kelley of Pennsylvania, the author of the measure, said: "In asking the consideration of the House to the bill now before it, I was actuated by no temporary impulse, no gust of passion. I did it in view of the responsibility that rests upon this Congress, and in view of the gravity of the questions which mark the era in which we live."

On the 11th the debate was resumed by Mr. Rogers of New Jersey, a member of the Judiciary Committee; of suffrage he said: "There is no privilege so high; there is no right so grand. It lies at the very foundation of this Government; and when you introduce into the social system of this country, the right of the African race to compete at the ballot-box with the intelligent white citizens of this country, you are disturbing and imbittering the whole social system; you rend the bonds of a common political faith; you break up commercial intercourse and the free interchanges of trade, and

you degrade the people of this country before the eyes of the envious monarchs of Europe, and fill our history with a record of degradation and shame."

Mr. Farnsworth of Illinois emphatically denied, that this is a white man's government—that the fathers had no intention to make a government for black men. Taking issue with Mr. Rogers he declared that our fathers made this Government for men; not for black men or white men, not for Anglo-Saxons, not for Irishmen, or Germans, or Americans merely, but they made it for men. He maintained that "the test of suffrage is manhood," and he asked, "will some gentleman, in God's name, tell me why this body of men who are under the Government have not the same right as I have to participate in it? What business have I to elbow another man off, and to say to him that he has no right here? Has God made me better than He has made him? We might as well partition off the atmosphere, collect the rays of the sun, and withhold them from the men we may conceive to be inferior to ourselves."

The debate was resumed on the 12th by Mr. Davis of New York in favor of qualified suffrage. Mr. Chanler of New York followed in opposition to the measure. He was "opposed," he said, "to thrusting honor on the negro. He is to-day, as a race, as dependent on the power and skill of the white man for protection, as when he was first brought

rica. Not one act of theirs has proved the  
of the black race for self government.  
ave neither literature, arts nor arms as a  
He warned the Representatives not to be-  
dominion of the white race.

ingham of Ohio replied briefly to Mr. Chan-  
with great earnestness and effect. By the  
f the Constitution he declared that if the  
ad "lifted a hand in the assertion of their  
freedom they were liable that moment to  
ied by the combined power of the Republic,  
ut, in pursuance of the very letter of the  
ition, 'to suppress insurrection.' Yet, not-  
rding the fact that their whole living gene-  
and the generations before them, running  
o centuries, had been enslaved and brutal-  
luced to the sad and miserable condition of  
, which, for want of a better name, we call  
'—an article of merchandise, a thing of  
with no acknowledged rights in the present  
ied even the hope of a heritage in the great  
r—yet, sir, the moment that the word  
' ran along your ranks, the moment that  
rd 'Emancipation' was emblazoned upon  
nners, those men who, with their ancestors,  
n enslaved through five generations, rose as  
1 to stand by this Republic, the last hope  
essed humanity upon the earth, until they  
ed one hundred and seventy-five thousand  
d in arms under your banners, doing firmly,

unshrinkingly, and defiantly their full share in securing the final victory of our arms."

Mr. Grinnell of Iowa spoke warmly for the measure. He had sheltered in his prairie home the fleeing bondman when a price was set on his head, and it would be a joyful occasion to vote the ballot into the hands of those who owed so little and aided so much.

The debate was resumed on the 15th by Mr. Kasson of Iowa, in favor of qualified suffrage. He opposed the bill because it imposed no qualifications, and did not exclude rebels. "Let the blacks," he said, "who gallantly fought, go and vote, let the white men who gallantly fought, go and vote, let *all* these who did go and fight, and who can read and write, and thus understand the system of our Government; who can read the ballot with which they are attempting to control our country; let all these men go and vote if you will, and aid in the government of our country." Mr. Kasson was briefly replied to by Mr. Price of Iowa. He declared that the negroes had "again, again and again" besought the government to be allowed to fight for the suppression of the rebellion.

On the 16th Mr. Julian of Indiana renewed the debate. He maintained that mere knowledge, education in its ordinary sense, would not fit a man to vote—that the reading and writing test was a singularly insufficient measure of fitness. "I agree," he said, "that in any scheme of universal suffrage,



universal knowledge, as far as possible, should be demanded; but *universal suffrage is one of the surest means of securing a higher level of intelligence for the whole people.*" To vote against the measure, he declared, "is to make a record which the roused spirit of liberty and progress, and the thick-coming events of the future, will certainly disown and turn from with shame. And while such a vote might tend to placate the conservative and the trimmer, it would offend those radical hosts now everywhere springing to their feet, and preparing for battle against every form of inequality and injustice, and in favor of 'all rights for all.' Sir, justice is safe. The right thing is the expedient thing. Democracy is not a lie. God is not the devil, 'nor was Christianity itself established by prize essays, Bridgewater bequests, and a minimum of four thousand five hundred a year.'"

Mr. Randall of Pennsylvania was "glad to say from my reading and from my association with the party, that the Democratic party of Pennsylvania had uniformly been against extending the right of suffrage to the negro race." Mr. John L. Thomas of Maryland denied "either the expediency or necessity of legislating on the subject." Little did Mr. Thomas imagine that within a few months he would be importuning the representatives of other States to extend suffrage to the negroes of Maryland to preserve menaced rights and recover lost power.

On the 17th the debate was continued by Mr. Darling of New York; he would 'amend the measure so as to secure intelligent suffrage, but he would vote for it in any event. A motion was made by Mr. Hale of New York, to instruct the judiciary committee to amend the bill so as to extend suffrage to all persons who could read—all persons who were assessed and pay taxes on property, and who had served and been honorably discharged from the army or navy. He preferred a restricted and qualified suffrage, but if the voice of the House should be otherwise he should put himself upon the record for "unqualified and unrestrained negro suffrage in the District." The passage of the bill was eloquently pressed by Mr. Thayer of Pennsylvania. "The real question," he said, "is, can we afford to be just—nay, if you please, generous—to a race whose shame has been washed out in the consuming fires of war, and which now stands erect and equal before the law with our own?"

Mr. Van Horn of New York declared that such speeches as those of Mr. Rogers, Mr. Boyer, and Mr. Chanler, carry us back to the days and scenes before the war, when slavery ruled supreme, not only throughout the land, by and through its hold upon power, which the people, in an evil hour, had given it, but here in these halls of legislation, where liberty and its high and noble ends ought to have been secured by just and equal laws and the

great and paramount object of our system of government carried out and fully developed."

On the 18th the debate was resumed by Mr. Clarke of Kansas in advocacy of the measure. "The principles involved in the arguments put forth on the other side of the House," he asserted, "are not alone destructive to the rights of the defenseless, intelligent, and patriotic colored men of this District, but they militate with a double effect and stronger purpose against the poor whites of the North and of the South, against the German, the Irishman, and the poor and oppressed of every race, who come to our shores to escape the oppression of despotic Governments, and to seek the protection of a Government the true theory of which reposes in every citizen a portion of its sovereign power."

Mr. Johnson of Pennsylvania, since deceased, sturdily maintained that tests were all idle, that the elective franchise belonged to citizens, that "citizens in the government were white men." Mr. Boutwell of Massachusetts, a member of the Judiciary Committee which had reported the bill, opposed all tests, and maintained that while suffrage might not be a natural right, like the right to breathe, it was a natural social right. "When," said he, "we proclaimed the emancipation of the slaves, and put their lives in peril for the defense of this country, we did in effect guarantee to them substantially the rights of American citizens and a Christian pos-

terity, and heathen countries will demand how we have kept that faith.

\* \* \* \* \*

There is an ancient history that a sparrow pursued by a hawk took refuge in the chief assembly of Athens in the bosom of a member of that illustrious body, and that the senator in anger hurled it violently from him. It fell to the ground dead, and such was the horror and indignation of that ancient but not Christianized body—men living in the light of nature, of reason—that they immediately expelled the brutal Areopagite from his seat, and from the association of humane legislators.

What will be said of us, not by Christian, but by heathen nations even, if, after accepting the blood and sacrifices of these men, we hurl them from us and allow them to be the victims of those who have tyrannized over them for centuries? I know of no crime that exceeds this; I know of none that is its parallel; and if this country is true to itself it will rise in the majesty of its strength and maintain a policy, here and everywhere, by which the rights of the colored people shall be secured through their own power—in peace the ballot, in war the bayonet."

Mr. Hubbard of West Virginia believed that "the effort to introduce into the sovereignty of this country a race which cannot in the nature of things become homogeneous—which fact every instinct of our humanity and the whole legislation of the coun-

try attest—can only be productive of contention and conflict—a conflict which must ultimately result in the domination of one or the other of these races, and the ultimate destruction of the weaker race.”

The previous question was moved by Mr. Wilson on the motion of Mr. Darling to postpone the bill to the first Tuesday in April. Mr. Niblack moved that the bill be laid upon the table, but the motion was lost.—Yeas 47, nays 123. Mr. Darling then modified his motion so as to postpone the bill to the first Tuesday of March, but it was lost.—Yeas 30, nays 135. The question recurring on Mr. Hale’s amendment, Mr. Schenck moved to strike out the clause relating to the payment of taxes, and it was agreed to. The vote was then taken on the motion to recommit with Mr. Hale’s instructions, and it was lost.—Yeas 53, nays 117. The bill was then passed—Yeas 116, nays 54.

In the Senate on the 12th of January, 1866, Mr. Morrill reported back Mr. Wade’s bill with an amendment to strike out all of the original bill and insert the amendment as a substitute. Mr. Davis of Kentucky expressed a desire to debate the bill and the amendment, and the Senate postponed its consideration. On the 16th the Senate resumed its consideration, and Mr. Morrill moved to amend the first section by inserting “excepting persons who may have voluntarily left the District of Columbia to give aid and comfort to the rebels in the late rebellion.” Mr. Davis declared that “this con-

test is but an experiment, a skirmish, an entering wedge to prepare the way for a similar movement in Congress to confer the right of suffrage on all the negroes of the United States, liberated by the recent amendment to the Constitution, the power to be claimed under its second clause." The negro, he proclaimed, had "been enslaved in every age, had been the slave of every other race, and had never been able to enslave any one of the races of men. Individual property in the negro might have ceased, but his slavery in some form in the fields of the South was his destiny." He proclaimed that "freedom with ignorance and barbarism, or slavery with civilization is his destiny."

On the 27th of June, the Senate on motion of Mr. Morrill, resumed the consideration of the bill, and he then announced his purpose to offer some amendments further to qualify it. He proposed to amend by requiring reading and writing and excluding rebels.

Mr. Brown of Missouri would agree to temporary disfranchisement as a matter of precaution, but was not disposed to adopt the policy of disfranchisement. He declared his belief to be that impartial or universal suffrage was the only reconstruction that would give safety hereafter. "I do not wish," he said, "the suffrage restricted by any educational qualifications; nor do I wish it restricted by any property qualifications. I want it simple and absolute, a right of human nature, which is as much a

right as any other of self-defense in political communities or out of political communities."

Mr. Wilson of Massachusetts moved to strike out of Mr. Morrill's amendment requiring ability to read the Constitution in the English language, the words "in the English language." He was opposed to the reading and writing qualification, had opposed its incorporation into the Constitution of Massachusetts. "But why," he inquired, "tell a German, a man of intelligence and character, that he must read the Constitution in the English language? Why say to the Frenchman, or to any other foreigner who comes here, that he must be able to read and write in the English language? In my opinion we had better meet the question squarely on the manhood of the case."

Mr. Morrill qualified his amendment by striking out the words "in the English language." Mr. Grimes of Iowa thought the adoption of an amendment requiring the reading of the Constitution would lead to complication. Mr. Morrill, in reply to an inquiry of Mr. Sumner concerning the Senate and House bills, stated that Mr. Wade's bill was first introduced—that the Senate bill was an election bill, and the House bill a mere declaration of the principle of universal suffrage.

The question was then taken on Mr. Morrill's amendment to require as a qualification reading and writing, and it was lost.—Yeas 15, nays 19.

Mr. Willey of West Virginia moved to amend

the bill by striking out the first section and providing that the class of persons named shall vote ; first, all those persons who were actually residents and qualified to vote at the elections held in 1865 : second, all residents who have been duly mustered into the military or naval service during the late rebellion, and honorably discharged : third, male citizens who shall have attained the age of twenty-one years, (excepting paupers, persons *non compos mentis* or convicted of an infamous offense,) and who, being residents of the ward or district in which they shall offer to vote, shall have resided in said District for the period of one year next preceding any election, and who shall have paid the taxes assessed against them, and who can read and write.

Mr. Willey then delivered an elaborate and able speech in favor of the plan he proposed. The bill then went over to the next day and its consideration was not resumed during the session. The pressure of business, the fact that no election would be held until after the close of the next session, the importance of adopting in the District manhood suffrage, pure and simple, the probability of a veto, and the uncertainty of carrying an unqualified suffrage bill over the veto, induced the friends of universal suffrage to allow the measure to go over to the next session.

In the Senate on the 10th of December, Mr. Morrill moved to proceed to the consideration of the



bill to regulate the elective franchise, and to extend and enlarge it in the District of Columbia. The pending question was on Mr. Willey's amendment to Mr. Morrill's substitute for Mr. Wade's bill. Mr. Morrill advocated the bill, defining it to be "impartial restricted suffrage."

Mr. Willey declared his amendment to be based on the ground that he who had been thought worthy of bearing the bayonet and of perilling his life for the institutions of the country should be entitled to the right of suffrage, no matter whether he could read or whether he could write his name or not.

Mr. Wilson hoped Mr. Willey's amendment would be voted down; he was against the reading and writing qualification. "I think," he said, "the victory of manhood suffrage is about achieved in this country. I think we are in a position where we can command it, and I am for commanding it; and I am for beginning now in this District where we have the absolute control and power."

Mr. Anthony of Rhode Island moved to amend Mr. Willey's amendment by adding that no person should have the right to vote who gave aid to the enemy during the rebellion. Mr. Wilson thought the amendment would affect but few persons, and ought not to be passed; that "disfranchisement would create more bitterness than enfranchisement." He said that the laboring men of the nation desired "just, equal and humane laws. Many men who are

not able to read and write are pure, high-minded, true men, who love their country and love justice. These men have made a better record for the last thirty years for country, for liberty, for justice and humanity than have some of the most learned men in the land."

Mr. Pomeroy was in favor of incorporating Mr. Anthony's amendment into the bill; and Mr. Anthony said: "there is no class of people, black or white, male or female, old or young, that I would disfranchise so quickly, or that I would enfranchise so reluctantly, as those who have taken up arms against the country; and all the embitterment which that may cause, and I have no doubt it will cause a great deal, is a very healthy embitterment, which I think we should not attempt to conciliate, but should rather put down."

The amendment was strenuously opposed by Mr. Cowan, and Mr. Brown declared his purpose to vote against it. Mr. Anthony's amendment was adopted. The question recurring on the amendment moved by Mr. Willey, Mr. Cowan moved to strike out the provision requiring the payment of taxes as a condition of suffrage. Mr. Sherman was opposed to requiring reading and writing as a condition. Mr. Saulsbury would exclude no white man from exercising the right because he could not read or write; he could "not vote for negro suffrage under any circumstances, or with the requirement of any amount of education." Mr. Conness withdrew his

amendment as Mr. Willey had abandoned his amendment. On motion of Mr. Morrill the bill was amended by requiring a residence of one year instead of six months in the District; and on motion of Mr. Wilson it was further amended by requiring a residence of three months in the ward or election precinct in which he shall offer to vote. Mr. Cowan moved to amend by striking out the word "male" before "person" in the first section of Mr. Morrill's substitute.

On the 11th the debate was resumed by Mr. Anthony in favor of Mr. Cowan's amendment. He supposed Mr. Cowan had introduced the amendment as a satire upon the bill or with a mischievous intention to injure it. "I know very well," he said, "that this discussion is idle and of no effect, and I am not going to pursue it. I should not have introduced this question, but as it has been introduced, and I intend to vote for the amendment, I desire to declare here that I shall vote for it in all seriousness because I think it is right."

"To extend the right of suffrage," said Mr. Williams, "to the negroes in this country I think is necessary for their protection; but to extend the right of suffrage to women, in my judgment, is not necessary for their protection."

"I know it has been said," replied Mr. Cowan, "that the woman is represented by her husband, represented by the male; and yet we know how she has been represented by her husband in by-

gone times; we know how she is represented by her barbarian husband; and let him who wants to know how she is represented by her civilized husband go to her speeches made in the recent woman's rights convention. We know how she has been represented by her barbarian husband in the past and is even at the present. She bears his burdens, she bears his children, she nurses them, she does his work, she chops his wood, and she grinds his corn; while he, forsooth, by virtue of this patent of nobility that he has derived, in consequence of his masculinity, from Heaven, confines himself to the manly occupations of hunting and fishing and war."

Mr. Cowan begged to assure everybody that he was "serious and in earnest in urging this amendment; in dead earnest, in good earnest." "The honorable Senator," replied Mr. Morrill, "began by saying he was in earnest and he concludes by affirming the same thing. Does any one suppose he is at all in earnest or sincere in a single sentiment he has uttered on this subject?" Mr. Cowan had struggled against change, but if changes were to be made he wished them to be rightly directed. "You are determined," he said, "to open the privilege of the ballot to the negroes. I appeal to you to open it to the women."

Mr. Wade had introduced the original bill, and had, he said, put it upon the liberal principle of franchise. The question of female suffrage had

not been much agitated, and he knew the community had not thought enough upon it to introduce it into their political system. He maintained that the rights of women rested upon the same foundation, that they were kept down by prejudice and that the time was approaching when "every female in the country will be made responsible for the just government of our country as much as the male; her right to participate in the Government will be just as unquestioned as that of the male."

Mr. Yates said, "the question whether ladies shall vote or not is not at issue now, we have but one straight-forward course to pursue in this matter." Mr. Wilson said Mr. Cowan had demanded an expression of concurrence or opposition to his amendment, and he would tell him he should vote against it. "I am," he declared, "opposed to connecting together these two questions, the enfranchisement of black men and the enfranchisement of women."

The amendment was opposed by Mr. Johnson, who declared that "nature had not made women for the rough and tumble, so to speak, of life. She is intended to be delicate. She is intended to soften the asperities and roughness of the male sex. She is intended to comfort him in the days of his trial, not to participate herself actively in the contest either in the forum, in the council chamber, or on the battle-field." Mr. Frelinghuysen thought the women of New Jersey did not desire to vote. "I confess," he said, "a little surprise at the remark

which has been so frequently made in the Senate, that there is no difference between granting suffrage to colored citizens and extending it to the women of America."

On the 12th the debate was continued by Mr. Brown, who emphatically declared, "I have to say then, sir, here on the floor of the American Senate, I stand for universal suffrage, and as a matter of fundamental principle do not recognize the right of society to limit it on any ground of race, color, or sex. I will go further and say that I recognize the right of franchise as being intrinsically a natural right; and I do not believe that society is authorized to impose any limitation upon it that does not spring out of the necessities of the social state itself."

Mr. Davis declared that a systematic assault was being made upon the fundamental principles of American liberty, and the bill was one of the attacks. Mr. Davis scouted the vaunted radical position of the equality of races, that the negro must be the equal of the white man before the law, expressing the conviction that a terrible time was coming in which the people of the South would be required to exercise their truest heroism; he closed by saying: "Men of the South, exhaust every peaceful means of redress, and when your oppressions become unendurable, and it is demonstrated that there is no other hope, then strike for your liberty, and strike as did your fathers in 1776, and as did the Holland-

ers and Zealanders, led by William the Silent, to break their chains forged by the tyrants of Spain."

"The advocates of the interests of the South," said Mr. Sprague, "are aristocratic; those of the North are democratic, and these ideas represent respectively the education of the two people. One's education has been to sustain class interests, the other the interests of the whole people in opposition to those of a class. The Constitution is brought in to sustain respectively these ideas. Constitutions have heretofore been forced from power, from a class, for the protection and in the interest of the mass of the people, never given by a people willingly to a class for their own subjugation." He maintained that in protecting and securing Southern institutions, and maintaining Southern ideas, the people of the South were kept in poverty, vice and degradation, in order that a class might be elevated, and he invoked action as delay was dangerous and criminal.

Mr. Buckalew avowed his purpose to vote for the amendment, as the vote was not final. He predicted that those who resisted "the extension of suffrage in this country will be unsuccessful in their opposition; they will be overborne, unless they assume grounds of a more commanding character than those which they have here maintained. This subject of the extension of suffrage must be put upon practical grounds and extricated from the

sophisms of the theoretical reasoning. Gentlemen must get out of the domain of theory."

Mr. Doolittle would vote against the amendment. "For myself," he said, "after giving some considerable reflection to the subject of suffrage, I have arrived at the conclusion that the true base or foundation upon which to rest suffrage in any republican community is upon the family, the head of the family; because in civilized society the family is the unit, not the individual."

Mr. Pomeroy did not wish to weigh down the bill with Mr. Cowan's amendment or anything else. "This is," he said, "a great measure in itself. Since I have been a member of the Senate, there was a law in this District authorizing the selling of these people." The question was then taken on Mr. Cowan's motion to strike out the word "male," and it was rejected.—Yeas 9, nays 37.

Mr. Dixon then moved to amend the bill by adding that no person who had not voted in the District should vote unless he should be able to read and to write his name. Mr. Dixon spoke briefly in favor of the amendment, for "what was just in Massachusetts could not be unjust in the District." Mr. Hendricks said, "as a general proposition I am not in favor of basing the right to vote upon the intelligence of the voter; and in regulating the right of voting among white people I should not vote for such a proposition; but as it is now proposed to introduce into the citizenship of this District a



large class of persons who are known to be very ill-qualified to exercise the right of franchise, I feel it to be my duty in regard to them to vote for this qualification."

Mr. Saulsbury contended for the inferiority of the negro race. He charged that "instead of the doctrine of the inferiority of race being a doctrine of infidelity, the assumption of the equality of races is itself infidelity, because it is a denial of the Scriptures."

On the 13th the Senate resumed the consideration of the bill, and Mr. Cowan spoke briefly in opposition to Mr. Dixon's amendment. Mr. Foster, President of the Senate, strongly advocated the amendment of his colleague. "The honorable Senator from Pennsylvania," he said, "from the manner in which he treats this subject, I should think was now fresh from his reading of 'Much Ado about Nothing,' and was quoting Mr. Justice Dogberry, who said, I believe—the honorable Senator will correct me if I misquote, for he is very fresh in his readings of the English and other classics—'to be a well-favored man is the gift of fortune, but to read and write comes by nature.' Like that very high authority, Mr. Justice Dogberry, the honorable Senator from Pennsylvania and the honorable Senator from Delaware, and I am sorry to include in the same category the honorable Senator from Massachusetts, seem inclined to say—'away with writing and reading till there is need of such vanity.'"

Mr. Foster was not prepared for "suffrage without intelligence and without morality. If the reading and writing test was adopted, he should vote for the bill; if it was rejected he could not do so. He said: "The honorable Senator from Massachusetts says he wants to put the ballot into the hands of the black man for his protection. If he cannot read the ballot, what kind of protection is it to him? A written or printed slip of paper is put into the hands of a man, black or white, and if he cannot read it, what is it to him? What does he know about it? What can he do with it? How can he protect himself by it? As well might the honorable Senator from Massachusetts put in the hands of a child who knew nothing of firearms a loaded pistol with which to protect himself against his enemies." Mr. Foster was followed by Mr. Cowan, who thought Connecticut could get along very well without the reading and writing test, if they were allowed to go as Dogberry said, simply by the light of nature. He thought the ability of that State in restraining ignorant masses by such means, about equal to another test they applied a good while ago, and that was that "no girl should get married until she could bake a doughnut that would preserve its twist for a year." Mr. Foster thought the Senator mistaken—that must have been a "Pennsylvania law." "It may," replied Mr. Cowan, "have originated in Pennsylvania, but it has not been applied since my knowledge of the State commenced.

I am very well satisfied that girls can get married there and do get married there every day, I am sure, without being able to bake a doughnut at all."

Mr. Frelinghuysen said: "In view of all the case and all the circumstances of the country, I shall be constrained to try the experiment here, so far as my vote is concerned, by making the elective franchise universal." "I regard this amendment," said Mr. Wilson in reply to Mr. Foster, "as a proposition against school-houses for the education of the colored men of this District; if not to tear down the school-houses for the education of the black man, it is to prevent the erection of the school-house for the education of the black man. Who is to pass upon this qualification of reading and writing? The man who has voted that the black man shall not vote at all? It is proposed here in Congress to allow the man who has voted that the black man shall not vote at all to say whether he can read and write well enough to vote.

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Sir, I believe in the right of suffrage for my country. I believe in it far more for the poor ignorant man. I believe that he is more of a man when he has it, and that he will use it in the future as he has in the past, generally for the elevation and protection of the poor and lowly and dependent. No loyal man who has the right of suffrage shall ever have it taken away or abridged by me unless for crime. No poor laboring man shall ever

accuse me before the bar of man or of God of voting against giving him the same right that I possess to go to the ballot-box."

Mr. Hendricks attributed the intelligence found among many men in the West who could not read, to their attendance on public meetings and the courts where the principles of the government are discussed, but the freedmen had none of these opportunities.

Mr. Lane made an eloquent appeal for the passage of the bill; he said: "I shall vote to enfranchise the colored residents of this District because I believe it is right, just, and proper, because I believe it is in accordance with those two grand central truths around which cluster every hope for redeemed humanity, the common fatherhood of God above us and the brotherhood of universal mankind. I go to the original principle and right of the question, and hence I shall vote to enfranchise the colored people of this District.

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To-day I vote to enfranchise the colored people in the District of Columbia. I do it proudly. I believe the people demand it. I have never dodged the issue. I have been ready to vote for it for the last six years, I am ready to vote for it now, and I give this vote with more pride and as much pleasure as I have given any vote in this body."

Mr. Sumner said he had voted against striking out the word "male," and he should vote against

the educational test ; in each case he was governed by the same consideration. "The bill," he said, "is the enfranchisement of the colored race in the District of Columbia. It completes Emancipation by Enfranchisement. It entitles all to vote without distinction of color. The courts, and the rail-cars of the District, even the galleries of Congress, have been opened to colored persons. It only remains that the ballot-box be opened to them. Such is my sense not only of the importance but of the necessity of this measure ; so essential does it appear to me for the establishment of peace, security, and reconciliation, that I am unwilling that it shall be clogged, burdened, or embarrassed by anything else. I wish to vote on this measure alone. Therefore, whatever may be the merits of other questions, I shall have no difficulty in putting them aside until this is settled."

Mr. Dixon's amendment to make reading and writing a test was then rejected.—Yeas 11, nays 34. Mr. Wilson moved to amend the bill by adding two new sections, one section making it unlawful to buy votes and punishing any man for attempting to buy votes ; the other section punishing the voter who should sell his vote. The amendment was agreed to. The yeas and nays were then ordered, on motion of Mr. Saulsbury, on the passage of the bill, and resulted—Yeas 32, nays 13. The announcement of the passage of the bill was greeted with enthusiastic applause by the galleries.

In the House on the 14th of December, the bill was taken up and Mr. Ingersoll of Illinois moved the previous question on its passage. The yeas and nays were ordered on motion of Mr. Niblack of Indiana, and the bill passed.—Yeas 118, nays 46.

In the Senate on the 7th of January, 1867, a message was received from the President giving his reasons for not signing the bill. After the message had been read, Mr. Saulsbury moved to postpone its consideration until the next day. Mr. Morrill opposed the motion and it was not agreed to, and the Senate proceeded to its consideration. Mr. Morrill briefly reviewed the message, and Mr. Sherman expressed his belief "that experience will demonstrate the wisdom of this act as it has the kindred act of emancipation in this District." Mr. Cowan followed in opposition to the bill and in support of the veto. He emphatically declared that "the right of life, liberty, property, is the gift of God; the right to vote and the right to hold office, which is the same thing, is the gift of the community. That is all. The negro who is prevented from having a vote in a community has no more right to complain of it than the defeated candidate after the election has a right to complain. Why? Because who shall vote is a question of expediency and policy for the community to decide." Mr. Williams spoke for the measure, and Mr. Johnson and Mr. Doolittle followed in opposition. The question

was then taken and the bill passed over the veto.—  
Yeas 29, nays 10.

In the House on the 8th the President's veto message was read, the previous question ordered on motion of Mr. Ingersoll of Illinois, and the bill passed.—Yeas 113, nays 38. Speaker Colfax then said: "On the question whether the House, on reconsideration, agrees to the passage of this law, the yeas are 113, the nays 38. It having been certified that the Senate, upon a reconsideration of the passage of this bill, agrees to its passage by a two-thirds' vote, and the House of Representatives, upon a similar reconsideration, having agreed to its passage by a two-thirds' vote, I therefore, according to the Constitution of the United States, do declare that, notwithstanding the objections of the President of the United States, the act to regulate the elective franchise in the District of Columbia has become a law."

## CHAPTER XIII.

### SUFFRAGE IN THE TERRITORIES.

Mr. Ashley's Bill.—Motion of Mr. Le Blond.—Remarks of Mr. Spaulding and Mr. Le Blond.—Bill passed.—Mr. Wade reported House Bill with amendments.—Motion of Mr. Buckalew.—Speech of Mr. Wade.—Remarks of Mr. Buckalew.—Speech of Mr. Saulsbury.—Bill postponed.—Mr. Wade's substitute.—Amendment modified.—Bill passed.—Mr. Wade's motion.—Mr. Ashley's motion.—House concurred.

IN the House of Representatives on the 24th of April, 1866, Mr. Ashley of Ohio introduced a bill to amend the organic acts of the Territories of the United States, which was referred to the Territorial Committee of which he was chairman. On the 26th Mr. Ashley reported it without amendment, and it was ordered to be printed and recommitted. Mr. Ashley, on the 3d of May, reported it back without amendment. On the 15th the bill came up for consideration, and Mr. Ashley moved an amendment in the nature of a substitute. Mr. Le Blond of Ohio moved to strike out the 9th section of the amendment which provided that "within the Territories aforesaid there shall be no denial of the elective franchise to citizens of the United States



because of race or color, and all persons shall be equal before the law." Mr. Spalding declared his intention to vote against the bill if that provision was stricken out. Mr. Le Blond denied the power of Congress to say to the people of the Territories, "you shall extend the right of suffrage to all your citizens irrespective of color." He had made the motion to raise directly the issue whether Congress was in favor of granting to all persons, irrespective of color, the right of suffrage. "I conceive," he said, "that this provision of the bill before us has and can have no other purpose than to carry out this cherished idea that all men should be made equal before the law." He declared that those who voted "against striking out the section, would place themselves on record in favor of equal suffrage throughout the country."

On motion of Mr. Ashley the House ordered the previous question. Mr. Le Blond's motion to strike out the suffrage section was lost.—Yeas 36, nays 76. Mr. Ashley's substitute was then agreed to and the bill passed.—Yeas 79, nays 43.

In the Senate on the 31st of May, Mr. Wade from the Committee on Territories, reported the House bill to amend the organic acts of the Territories, with amendments. On the 29th of June, the Senate on motion of Mr. Wade, proceeded to consider the bill, and Mr. Buckalew of Pennsylvania moved to strike out the section regulating suffrage. Mr. Wade hoped it would not be stricken

out. "For myself," said Mr. Wade, "at this period of the session and in this year of grace, I surely need not say that I am for the most extensive right of suffrage to every human being who is rational, who is above the age of twenty-one years, and who is a citizen of the United States. I am for that on all occasions. I am inclined to think and I do believe that it is one of those inherent and 'inalienable' rights which were alluded to by our fathers in that great Declaration which has had so much effect upon the destinies of the world."

Mr. Buckalew said that Mr. Wade desired by the passage of the bill, "to dictate to those Territories the form of constitutions which they may hereafter make for themselves preparatory to their admission into the Union. Our old doctrine and our correct doctrine, as I understand it, has been that the constitution made by a new State, or made by the inhabitants of a Territory preparatory to their admission into the Union as a State, shall be their own work, completely and entirely, in every respect whatever, except that it must be republican in form."

On the 22d of July the bill was again taken up, and Mr. Saulsbury spoke in opposition to its passage. He declared that "there never was a greater humbug preached upon earth as from the Almighty, than the equality of races."

Mr. Stewart maintained that equality had nothing to do with the right of suffrage. On motion

of Mr. Conness, with the assent of Mr. Wade, the bill was postponed to the next day and was not again taken up during the session.

On the 9th of January, 1867, on motion of Mr. Wade, the Senate proceeded to the consideration of the bill. The question being on the motion of Mr. Buckalew to strike out the 9th section relating to suffrage, it was stricken out for the purpose of allowing Mr. Wade to move a substitute for the original bill. Mr. Wade then moved to strike out all after the enacting clause, and insert a section providing, "That in all the Territories of the United States there shall be no denial to citizens of the United States of the elective franchise by reason of race or color, and all persons shall be equal before the law. And all acts or parts of acts, either of Congress or of the Legislative Assembly of any Territory, inconsistent with the provisions of this act, shall be null and void." Mr. Williams of Oregon wished Senators to remember that in the Territories there was a very large population of wild, untamed Indians, and in attempting to provide for the black race, he thought Senators ought not to use language which would put those Indians, wholly unable to perform any of the duties of citizens, on an equal footing with the white people of the Territories.

On the 10th the Senate resumed the consideration of the bill, and Mr. Wade modified his amendment so as to read: "That from and after the pas-

sage of this act there shall be no denial of the elective franchise in any of the Territories of the United States to any citizen thereof on account of race, color, or previous condition of servitude ; and all acts or part of acts, either of Congress or of the Legislative Assemblies of said Territories, inconsistent with the provisions of this act, are hereby declared null and void." The amendment was agreed to, and the bill was then passed.—Yeas 24, nays 7.

On motion of Mr. Wade the title was amended so as to read : "A bill to regulate the elective franchise in the Territories of the United States." On the same day the House, on motion of Mr. Ashley of Ohio, concurred in the amendments of the Senate.—Yeas 104, nays 38.

## CHAPTER XIV.

### THE ADMISSION OF TENNESSEE.

Joint Resolution reported by Mr. Bingham.—Minority report.—Mr. Bingham's substitute.—Substitute agreed to.—Speech of Mr. Boutwell, Mr. Bingham.—Resolution passed.—Mr. Trumbull's Resolution.—Mr. Trumbull's report.—Motion of Mr. Sumner rejected.—Motion of Mr. Doolittle agreed to.—Motion of Mr. Trumbull. Mr. Sherman's preamble lost.—Mr. Sprague's amendment.—Mr. Trumbull's amendment adopted.—Speech of Mr. Brown.—Resolution passed.—Mr. Conness's amendment.—House agreed to the Senate amendment.—Joint Resolution passed.—Credentials referred.—Report of committee agreed to.

In the House of Representatives on the 5th of March, 1866, Mr. Bingham of Ohio, from the select Joint Committee on Reconstruction, reported a joint resolution for the admission of Tennessee, together with a memorial and papers relating to that State. A minority report was made by Mr. Rogers of New Jersey; and Mr. Washburne of Illinois stated that Mr. Boutwell of Massachusetts dissented, with him, from the majority report, and asked leave to make one thereafter. Leave was granted and the reports made and to be made were ordered to be printed. The joint resolution was then recommitted to the Committee on Reconstruction, and a motion made by Mr. Bingham to reconsider that vote.

On the 19th of July Mr. Bingham called up his motion to reconsider the vote recommitting the Joint Resolution for the admission of Tennessee. Mr. Stevens moved that the motion to reconsider be laid on the table.—Yeas 31, nays 92. A motion was then made by Mr. Stevens to adjourn—Yeas 49, nays 71, and a motion to adjourn made by Mr. Benjamin was lost.—Yeas 46, nays 68. The previous question was then ordered.—Yeas 71, nays 34. Mr. Allison of Iowa moved to adjourn—lost. Yeas 43, nays 63. Mr. Bingham's motion to reconsider was then agreed to.—Yeas 70, nays 27. The motion to recommit was withdrawn and Mr. Bingham offered a substitute for the original resolution.

On the 20th the House proceeded to consider the Joint Resolution. Mr. Bingham's substitute set forth that Tennessee had in good faith ratified the article of amendment to the Constitution of the United States, proposed by the Thirty-Ninth Congress, and had also shown, to the satisfaction of Congress, by a proper spirit of obedience in the body of her people, her return to her due allegiance to the Government, laws, and authority of the United States: Therefore,

*“Resolved, That the State of Tennessee is hereby restored to her former proper, practical relation to the Union, and is again entitled to be represented by Senators and Representatives in Congress, duly elected and qualified, upon their taking the oaths of office required by existing laws.”*

Mr. Bingham renewed the motion for the previous question. Mr. Boutwell asked Mr. Bingham to yield and allow him to offer an amendment providing that whenever Tennessee should have ratified the amendment to the Constitution, and should have established an equal and just system of suffrage for all male citizens, the Senators and Representatives of such State, if found duly elected and qualified, might, after having taken the required oaths of office, be admitted into Congress.

Mr. Bingham declined to yield. Mr. Ward of New York and Mr. Le Blond of Ohio desired to offer amendments, but Mr. Bingham persistently declined to yield, and the House ordered the previous question. Mr. Bingham's substitute was agreed to, and ordered to be engrossed. Mr. Jenckes of Rhode Island moved to reconsider the vote ordering the resolution to be engrossed, and the House on motion of Mr. Spalding of Ohio, laid the motion on the table.—Yeas 104, nays 29. A separate vote on the preamble was taken, and it was ordered to be engrossed.—Yeas 87, nays 48. Mr. Bingham then demanded the previous question on the passage of the preamble and resolution, and the main question was ordered. On motion of Mr. J. L. Thomas of Maryland, the yeas and nays were ordered. Mr. Bingham rising to close the debate yielded to Mr. Boutwell of Massachusetts, who remarked that he was not ignorant that the vote of the House showed conclusively its purpose to pass

the resolution for the admission of Tennessee, and while conscious that his words would fall on unwilling ears, he would still raise his voice against the consummation of the scheme. He made an earnest and eloquent speech against the measure and in closing said: "I speak under the impression, the firm conviction, that we to-day here surrender up the cause of justice, the cause of the country, in the vain hope that the admission of Tennessee may work somewhat for the advantage of the party which has controlled the country during these last six years. We surrender the rights of four million people ; we surrender the cause of justice ; we imperil the peace and endanger the prosperity of the country ; we degrade ourselves as a great party which has controlled the Government in the most trying times in the history of the world."

Mr. Higby spoke briefly in opposition, and Mr. Bingham closed the debate in a brief, earnest and effective speech. "There stands," he said, "the amendment ratified by Tennessee, who comes with this new evangel, 'no State shall deny to any person within its jurisdiction the equal protection of the laws.' Let this provision become the supreme law of every State of the Republic by the omnipotence of the ballot, and justice will thereby have achieved a triumph long waited for and prayed for by the oppressed of all lands.

Oh, sir, I am ashamed that a man should stand here and tell me that nothing is done to establish



justice when a State lately in rebellion ratifies such a provision as an amendment of the Constitution, and conforms its own laws to its requirements. No one who believes that amendment essential to the safety of the Republic, and that it is the highest possible duty he owes to himself and the country to carry that amendment into the Constitution, can stand here and taunt me as having surrendered by its advocacy and the restoration to power of a State which in good faith ratifies it, the rights of loyal colored men or of any men."

He continued: "One great issue has been finally and I trust forever settled in the Republic; the equality of all men before the law. Another issue, of equal moment is now pending, and it is this: the equality of the States and the right of the majority of loyal freemen to rule."

Mr. Miller of Pennsylvania briefly advocated the resolution. Mr. Finck of Ohio protested against the preamble but would vote for the resolution, and Mr. Eldridge would spit on the preamble and vote 'aye' for the resolution, which was passed.—Yeas 125, nays 12.

In the Senate on the 19th of July, Mr. Trumbull introduced a joint resolution recognizing the Government of Tennessee, which was read twice and laid on the table. On the 20th Mr. Bingham's House resolution was received and referred to the Judiciary Committee. Mr. Trumbull reported it on the 21st with an amendment, and the Senate on

his motion proceeded to its consideration. The Judiciary Committee proposed to strike out the preamble and resolution of the House, and insert a preamble and resolution as a substitute. It was to strike out the preamble and resolution, and in lieu thereof to insert :

“Whereas in the year 1861, the government of the State of Tennessee was seized upon and taken possession of by persons in hostility to the United States, and the inhabitants of said State in pursuance of an act of Congress were declared to be in a state of insurrection against the United States; and whereas said State government can only be restored to its former political relations in the Union by the consent of the law-making power of the United States; and whereas the people of said State did, on the 22d day of February, 1865, by a large popular vote, adopt and ratify a constitution of government, republican in form, and not inconsistent with the Constitution and laws of the United States, whereby slavery was abolished and ordinances and laws of secession and debts contracted under the same were declared void; and whereas a State government has been organized under said constitution, which has ratified the amendment to the Constitution of the United States abolishing slavery; also the amendment proposed by the Thirty-Ninth Congress; and whereas the body of the people of Tennessee have, by a proper spirit of obedience, shown to the satisfaction of Congress the

return of said State to due allegiance to the Government, laws, and authority of the United States: Therefore,

*Resolved*, That the United States do hereby recognize the government of the State of Tennessee, organized as aforesaid, as the legitimate government of said State, entitled to all the rights of a State government under the Constitution of the United States.

Mr. Sherman hoped the Senate would not adopt the amendment but would pass the resolution of the House. Mr. Trumbull expressed his regret that Mr. Sherman could not agree to the substitute. The amendment reported by Mr. Trumbull was further debated by Mr. Buckalew, Mr. McDougall, Mr. Johnson, Mr. Henderson, Mr. Wade, Mr. Fessenden, Mr. Lane, Mr. Hendricks, Mr. Edmunds, Mr. Sumner, Mr. Grimes, Mr. Cowan, Mr. Howard and Mr. Morrill.

The preamble reported by the Judiciary Committee was amended by striking out, on motion of Mr. Trumbull, the words declaring that the body of the people of Tennessee had shown a proper spirit of obedience; and on motion of Mr. Sumner, striking out that her constitution was republican in form, it was then rejected.—Yeas 11, nays 22. Mr. Sumner then moved that a proviso be added to the effect, that the act should not take effect except upon the fundamental condition that within the State there should be no denial of the electoral fran-

chise, or of any other rights, on account of color or race, but all persons should be equal before the law ; and the Legislature of the State, by a solemn public act, should declare the assent of the State to this fundamental condition.

The amendment was rejected.—Yeas 4, nays 34. On the motion of Mr. Doolittle the preamble to the resolution of the House was stricken out.—Yeas 29, nays 11. The question was then taken on the proposition to substitute the resolution of the Judiciary Committee for the resolution of the House, and it was not agreed to.—Yeas 11, nays 31.

The question then recurred on the resolution of the House, providing that the State of Tennessee is hereby restored to her former proper practical relations to the Union, and is again entitled to be represented by Senators and Representatives in Congress, duly elected and qualified, upon their taking the oaths of office required by existing laws.

Mr. Trumbull moved to strike out all after the word "Union," and Mr. Pomeroy moved to strike out all after the word "Congress." The amendment to the amendment was agreed to, and the amendment adopted.—Yeas 25, nays 18. Mr. Sherman moved to insert as a preamble: "Whereas the State of Tennessee has in good faith, by the action of her people, now placed herself in obedience to and in harmony with the Constitution, laws, and authority of the United States : Therefore." But it was lost.—Yeas 13, nays 31.

Mr. Trumbull offered the preamble reported by the Judiciary Committee as it had been modified by the Committee of the whole in the Senate. Mr. Sprague moved to amend the amendment, by inserting in lieu of it the preamble of the House; it was lost.—Yeas 20, nays 24. Mr. Trumbull's amendment was then adopted.—Yeas 23, nays 20. Mr. Yates moved to so amend the resolution as to require the Senators and Representatives to possess the qualifications required by the Constitutional amendment proposed by the 39th Congress—rejected.—Yeas 9, nays 33. Mr. Nye proposed to amend so as to declare that, "The people of Tennessee have organized a government which is in allegiance to the Constitution and the laws of the United States, and have given satisfactory evidence of their purpose and ability to maintain the same, and the same requiring the sanction of Congress to its validity, it is hereby ratified;" but it was rejected. Mr. Doolittle moved to amend by declaring that Tennessee was restored to her practical relations and entitled to representation.—Yeas 5, nays 25.

Mr. Doolittle, Mr. Cowan and Mr. Nesmith would vote for the resolution, although opposed to the preamble. Mr. Brown declared there was no national safety in this procedure. On motion of Mr. Buckalew the yeas and nays were ordered on the passage of the resolution, and it passed.—Yeas 28, nays 4. Yeas,—Messrs. Anthony, Chan-

dlar, Clark, Conness, Cowan, Creswell, Doolittle, Edmunds, Foster, Hendricks, Howard, Howe, Lane, Morgan, Morrill, Nesmith, Nye, Poland, Pomeroy, Sprague, Stewart, Trumbull, Van Winkle, Wade, Willey, Williams, Wilson and Yates—28. Nays,—Messrs. Brown, Buckalew, McDougall and Sumner—4. Mr. Conness then suggested to Mr. Trumbull to amend the title so as to declare it to be “a resolution to restore Tennessee to her practical relations to the Government.” Mr. Wilson suggested that the title be “A Joint Resolution restoring Tennessee to her proper practical relations to the Union.” Mr. Pomeroy proposed to strike out the words “proper” and “practical,” and Mr. Wilson agreed to the modification ; and that title was assented to by Mr. Trumbull and agreed to by the Senate.

On the 22d the House agreed to the Senate amendment to the House resolution. On the preamble Mr. Eldridge demanded the yeas and nays, and they were ordered and the amendment was agreed to.—Yeas 93, nays 26. So the Joint Resolution for restoring Tennessee to her relations to the Union was passed. On the 24th the President sent a message to the House notifying that body that he had signed the resolution while he disagreed to the mode of procedure in the case. The credentials of the gentlemen claiming seats as Representatives from Tennessee, were then referred to the Committee on Elections.—Yeas 90, nays 28. On the same day Mr. Dawes of Massachusetts, chair-

man of the Committee on Elections, reported that the Committee had been instructed to report that the credentials of Nathaniel G. Taylor, for the first district of Tennessee; Horace Maynard, for the second district; William B. Stokes, for the third district; Edmund Cooper, for the fourth district; William D. Campbell, for the fifth district; Samuel L. Arnold, for the 6th district; Isaac R. Hawkins, for the seventh district; and John W. Leftwich, for the eighth district, were in conformity with the law and that those several gentlemen be sworn in as members of the House from Tennessee. The report of the Committee was agreed to and that State was restored to her relations to the Union. Her Republican members of Congress had given assurances that her present Legislature would immediately give suffrage without distinction of color, and those assurances and other evidences ensured the passage of the Joint Resolution. The Legislature hastened to redeem the pledges made, and Tennessee was the first of the slave States to give suffrage to the negro race.

## CHAPTER XV.

### RESTORING THE REBEL STATES TO FULL POLITICAL RIGHTS.

Mr. Stevens' report from the Joint Committee on Reconstruction.—Mr. Boutwell gave notice of an amendment.—Mr. Wilson's amendment.—Mr. Stevens' amendment.—Mr. Ashley's substitute for Mr. Stevens' amendment.—Remarks of Mr. Stevens, Mr. Baker, Mr. Grinnell.—Speech of Mr. Eldridge, Mr. Scofield.—Remarks of Mr. Dodge.—Mr. Raymond's speech.—Speech of Mr. Shellabarger.—Mr. Shellabarger's substitute.—Mr. Bingham's motion.

ON the 30th of April, 1866, Mr. Stevens of Pennsylvania reported from the Joint Committee on Reconstruction a bill for restoring to the insurrectionary States their full political rights. The bill provided that whenever the constitutional amendment should become a part of the Constitution, and any rebel State should have ratified it, and formed its constitution and laws in conformity to its provisions, the Senators and Representatives of such State should be admitted on taking the oaths, and that any part of the direct tax unpaid might be assumed by it and its payment postponed for a period not exceeding ten years. On the 1st of May Mr. Boutwell of Massachusetts, a member of the Recon-



struction Committee, gave notice that he would move to amend the bill by striking out all after the enacting clause and inserting that when the amendment should become a part of the Constitution, and Arkansas and Tennessee should have adopted it and established an equal and just system of suffrage for all male citizens, their Senators and Representatives should be admitted on taking the oaths. Mr. Bingham of Ohio also gave notice of an amendment. Mr. Wilson of Iowa, on the 15th, proposed to amend the bill so that any State, after the amendment should become a part of the Constitution, should, on adopting it, conforming its constitution to it and giving equal suffrage, be admitted without waiting for any other State to act.

On the 29th Mr. Ashley of Ohio made an elaborate speech for justice to the friends and allies of the country. "All we ask," he said, "is justice—justice to friends, and mercy to a fallen foe. All we ask now for white men and black in the South and in the North is justice; and I tell you, that by the blessing of God, we intend to have it. Be not deceived. You cannot always postpone the demands of Justice. As a nation we have learned by sad experience that we cannot trample upon it with impunity. Neither laws nor customs nor despotism can silence its claim, because it is a principle implanted by the Creator in every human heart, and can never be wholly eradicated by the selfishness or tyranny of man. He who understands the sim-

ple teachings of the golden rule comprehends the application of justice alike by Governments and men."

Mr. Latham of West Virginia demanded that Congress should have a practicable policy before the country. He said: "The eyes of the world are on us, and the historian pauses with ink-dipped pen. What shall he write—that the virtue, intelligence, and patriotism of the American people have triumphed, or that a great people, powerful in war, united by disaster, have failed in the hour of triumph, have proved themselves incapable of securing the blessings and reaping the fruits of victory?"

The debate was resumed on the 30th by Mr. Bromwell of Illinois. On the 4th of June Mr. Wilson of Iowa spoke in favor of his amendment. "Radical ideas," he said, "are always in a greater or less degree weighed down and impeded in their onward march by the possessors of that element of timidity we are accustomed to call conservatism. We may determine these issues now, or leave them to the future. We may be wise or foolish as we will, but the end will be what justice demands. We may advance or obstruct the solution of our national difficulties, but we cannot change the decrees of Him who of one blood made all of the nations of the earth. 'Equal and exact justice to all men' is the short road out of all our national troubles."

On the 11th of June Mr. Rousseau of Kentucky spoke in favor of the policy of the President, and Mr. Price of Iowa denounced the proscriptive action of the administration. Mr. Windom of Minnesota, on the 13th, resumed the debate. "This grand panacea," he said, (referring to the President's policy,) "for all our political ills, is based upon the theory that the people who attempted by violence and perjury to destroy the Government, who waged a most wicked and diabolical four years' war for the establishment of a slaveholding empire upon the ruins of the Republic, who murdered our soldiers in cold blood, who fired our hotels filled with women and children, who starved our soldiers to death in loathsome prison-pens, within sight of storehouses groaning with confederate supplies, who polluted the fountains of life by knowingly inoculating prisoners with the virus of a nameless disease which will scourge them to their graves and entail untold suffering upon their innocent offspring, who laid down their arms only when our victorious bayonets were at their throats, and who, when professing to accept the issues of war, assassinated the nation's honored chief—that this people, without any evidences of repentance, but with every indication of sorrow for the 'lost cause,' and of bitter hatred toward the Government and its defenders, have suddenly become sufficiently loyal to be trusted with all the rights and franchises they have renounced and forfeited; that in 'accepting the situation' they

have entitled themselves to step at once, unquestioned, from the rebel congress and the rebel camps into the halls of legislation to make laws for the Republic which they have so recently tried in vain to destroy ; to become the guardians of our widows, orphans, and disabled soldiers, and custodians of all the civil and political rights of the humble colored patriots whom they held in slavery as long as they could."

Mr. Harris of Maryland followed, avowing himself an old line Democrat and a believer in secession. If his State had said so he would have joined the seceded States. \* \* \* "But," he said, "there is something in the spirit of the southern people which will thwart your designs. If they have lowered the standard of their confederacy, they have not lowered the standard of their pride—a becoming pride in the estimation of an honorable enemy. The southerner has all around him, without speaking of the merits of the late contest, tokens of the endurance, courage, and prowess of his people. Sad spectacle though it be, it will not diminish his tone that he can on his own soil walk over the graves of nearly three hundred thousand of his courageous enemies, and—

'Standing on the Yankee's grave,  
He will not deem himself a slave.'"

Mr. Le Blond, Mr. Eldridge, and Mr. Randall followed Mr. Harris in brief remarks. Mr. Dawes of Massachusetts maintained that the title of the rebel

tes to elect Representatives had always been  
d, but they would not exercise it because they  
re in rebellion, or not sufficiently out of it, and  
t until they had so far restored domestic tran-  
llity as to obey the law, conform themselves to  
nd erect State governments republican in form,  
y were not capable of electing representatives.

On the 15th Mr. Orth of Indiana addressed the  
use. He said : "The years numbering from 1861  
1866 are momentous years, and will form one of  
the brightest epochs in the annals of our race.  
These years have witnessed a struggle of unex-  
ploded proportions, and a victory without a paral-

They have witnessed the salvation of a repub-  
lic whose principles and whose power will be felt  
every land. They have witnessed the enfran-  
chisement of a race who had been in bondage over  
two hundred years; restored not only to liberty  
but by our recent action placed in the possession of  
their civil rights, and who are daily giving evidence  
of their appreciation of the boon thus conferred.  
Our forefathers secured liberty to themselves and  
to their posterity; we have done more—more than  
they, more than Grecian or Roman ever accom-  
plished; we have given liberty to others."

On the 18th Mr. Raymond of New York ad-  
dressed the House in a long, carefully prepared,  
and able speech. If it depended upon him, he  
said, the rebel States would be that day restored;  
said the South once had elements of power that

made her formidable ; she had wealth, she had political leaders, of great intellect, of towering ambition, and iron will ; she had a generation of young men trained in the school of Calhoun, educated to believe the South a victim to Northern tyranny.

Mr. Raymond maintained that the South was no longer formidable, and scouted the appeals addressed to the fears of the nation. He sympathized entirely with John Quincy Adams when he replied to appeals of a kindred nature, "The Government of the United States never takes counsel of its fears ; it consults only its courage and its hopes."

On the 19th of December, Mr. Stevens called up the bill providing for restoring to the States lately in insurrection their full political rights, and offered an amendment in the nature of a substitute. Mr. Stevens on the 3d of January, 1867, called up the bill, the pending question being his substitute which provided in substance that the State governments of the rebel States were to be deprived of all legal authority, their acts to be null and void, and that Congress should authorize the election of delegates to a Convention on the basis of universal suffrage. Mr. Stevens advocated his substitute.

Mr. Ashley offered an amendment of sixteen sections as a substitute for Mr. Stevens' amendment. It declared all laws null and void in the rebel States. Mr. Pike of Maine followed in an earnest speech in favor of giving the black man the same rights as the white man, and thus disposing of the negro

question. Mr. Bingham then entered a motion to refer to the Committee on Reconstruction the bill and amendments.

On the 16th the House resumed the consideration of the bill, and Mr. Paine of Wisconsin expressed his determination not to vote for the second section acknowledging the validity of the rebel Governments for municipal purposes. Mr. Bingham of Ohio said the bill was in conflict with the pending Constitutional amendment, and totally ignored the duty of Congress to protect life and liberty in the rebel States. He pronounced Mr. Ashley's bill a bill of anarchy, which swept away all laws in those States, declared them all void, and subjected the people to such laws as might thereafter be enacted. He looked upon it as a bill to place hindrances in the way of restoration. Mr. Dawson of Pennsylvania followed in an elaborate speech in opposition to the bill and to all kindred measures.

The debate was resumed on the 17th, and Mr. Stevens modified his bill by striking out the second section to which Mr. Paine had so earnestly objected. Mr. Baker of Illinois eloquently advocated the reference of the bill to the Reconstruction Committee. Mr. Grinnell of Iowa thought the Reconstruction question would settle itself if the ballot was given to the black man. "Let the black man," he said, "have the ballot, let him have justice meted out to him, for he deserves to be enfranchised. He

was our friend when the clouds of heaven rolled black over us ; and our responsibilities only began when we broke his chains and made him a soldier of the Republic."

Mr. Donnelly of Minnesota resumed the debate on the 18th, and in an earnest speech advocated the rights of the Freedmen. "I say to you," he exclaimed, "that if, in the face of every prompting of self-interest and self-protection, and humanity and gratitude, and Christianity and statesmanship, we abandon these poor wretches to their fate, the wrath of an offended God cannot fail to fall upon the nation."

Mr. Eldridge of Wisconsin earnestly opposed the bill. He said : "There never was a more abominable doctrine, or one more fatal to this Government than that which asserts its right and power to hold the late insurgent States as conquered territories and the people as conquered subjects. It is a virtual denial of the power of self-preservation, and a pregnant admission that the powers assumed, and the rights asserted, are not to be found in the Constitution. It is a most base and wicked subterfuge, by which to usurp and exercise ungranted and despotic powers. It is a doctrine no less fatal to the Union than the States."

Mr. Warner of Connecticut followed Mr. Eldridge in an eloquent and high-toned speech for equal rights and impartial justice to all. He said : "Our action is not alone for this hour, but for all time.



Our legislation addresses itself not only to the good of this generation, but of all generations of men. The stake is not alone the awful stake of the permanent peace, prosperity, and welfare of thirty million human beings, but the progress of civilization, constitutional liberty, constitutional form of government, the destiny of a continent, and the hope of liberal governments on earth. The lines of national policy and action we now draw cast their deepening shadows of national night along the whole course of our future empire, until the mind shudders and starts back at the contemplation of its gloom ; or they reveal the full bow of the nation's promise, its arch encompassing all mankind, and the fruition of its now painfully struggling hopes, of liberty, equality, and justice to all. Such a future I believe we control, and such a future is alone worthy of the present realizations, the heroic sacrifices, the immortal memories of the Republic." Mr. Henderson of Oregon spoke for equality of rights.

On the 19th the consideration of the bill was resumed, and Mr. Spaulding moved to amend it so as to provide that until the rebel States should be admitted, they should be placed under martial law. Mr. Stevens accepted the amendment. Mr. Koontz of Pennsylvania was for the protection of the people of the South who had been true to the Union, without regard to race or color. "The great duty," he said, "rests upon us to finish the work which was

not completed by warfare. The shackles of four million slaves were melted by the fierce fires of civil war; but the animus of slavery, its passions and prejudices yet remain. It is our duty so to legislate as to remove the last relic of a barbarism that would have suited the dark ages, and to conform our institutions to the advanced condition to which we have been brought by the mighty revolution just ended. And when this shall have been done the great Republic, freed from the dark stain of human slavery, will start upon her mission to promulgate, by precept and example, the immutable and eternal truth of the equality of man, and before whose resistless march kingdoms and empires, principalities and powers, and all the systems built upon caste and creed for the oppression of man, will be swept from the face of the earth, and be known no more forever."

Mr. Scofield was ready for the vote. "How much longer," he asked, "shall we turn a deaf ear to the cry of the oppressed? How much longer shall we stand here and see the brave men who for four years, amid obloquy, persecution, imprisonment, and torture, refused to forswear the flag, now when that flag is triumphant, in part through their sufferings, driven from their homes or shot down in the streets like dogs? If we thus meanly desert our friends the rebels themselves will despise us."

Mr. Scofield was followed by Mr. Ward of Kentucky, who was opposed to the whole system of

legislation tending to punish the people of the South. "What more," he asked, "do you want than the punishment which the war has inflicted? The commerce of the southern people has been destroyed; their towns and cities have been burned; their fields desolated and stained with blood; wives have been widowed and children made orphans; and amid the desolation they are threatened with famine and crying for bread."

Mr. Miller of Pennsylvania was in no haste to admit rebel States. Mr. Plants of Ohio would strike black and white alike from all laws, making legislation like the dew, rain, and sunshine descend upon all; he predicted that at the end of a quarter of a century the white race would be sixty millions and black race not exceed six millions.

The debate was resumed on the 21st, and Mr. Kerr of Indiana spoke in opposition to the bill because it reduced the States to Territories, and tended to political chaos or despotism. Mr. Higby of California followed, and Mr. Trimble of Kentucky opposed the bill and all kindred legislation.

Mr. Dodge of New York was opposed to the bills of Mr. Stevens and Mr. Ashley, and in favor of recommitting them to the Reconstruction Committee, with the hope that the committee might present some plan by which the loyal men of the south, white and black, might be protected in all their rights of person and property, and which might put an effectual stop to the injustice, persecution, and

murder which were going on without restraint from the general or local governments. Mr. Hise of Kentucky followed in opposition to all legislation and for the immediate and unconditional admission of the Representatives of the rebel States.

On the 24th Mr. Raymond of New York made an elaborate speech on Reconstruction. Mr. Shellabarger of Ohio maintained the right of the Government to withhold from persons who discarded all the obligations pertaining to their citizenship, the powers and rights which came alone from performing those obligations. In illustration and proof of that position, he said: "There is a child before you. He moves about in the simplicity of his young nature, unconscious of the dignity which is upon him. He goes under your flag to another country. There another Government injures his life, his property, or even a hair of his head. For that injury, sir, what ought to happen? Nay, sir, by the very law of your nation's life and honor, what must happen? Now, nothing has occurred except that a foreign Government has put its hand in insult or injury upon a little boy, and he upon the other side of the globe, where midnight is when we have high noon. But then the boy was our country's and was under its flag. When the tidings come to us that that child was hurt, if needs be for his redress every sword in the land and every gun, every arm in the land and every heart, every drop of blood in the land and every dollar of money

pass eagerly under requisition to the work of that child's redress; and for that redress your armies and navies start off in a procession which girdles the globe with the light of your banners.

And, sir, why all this? It is because that child bore with him what, thank God and the armies of America, is to-day the highest of earthly dignities; higher than that which made the person of him of Tarsus sacred in the presence of a Hebrew mob. The boy was an American citizen."

On the 26th Mr. Ross of Illinois spoke in opposition to the pending legislation, and was followed by Mr. Ashley of Ohio in support of his bill. He was anxious that the people who went into the rebellion should be restored to their practical relations upon the mildest, most forgiving, and most merciful terms which a conquering people could impose, looking to the safety and stability of the national government and the rights of loyal citizens.

On the 28th Mr. Julian of Indiana resumed the debate. "I shall never vote," he said, "to restore one of these rebel districts to power as a State, except upon the condition that impartial suffrage, without respect to race, color, or former condition of slavery, shall be the supreme law within her borders." Mr. Scofield briefly replied to Mr. Ross. "We all propose," he said, "to reunite the whole territory. You propose to unite the United States to the Confederacy, and thus bring us together. We propose

to annex the Confederacy to the United States." Mr. Cullom of Illinois said: "the people of the South are like other people in some characteristics at least; and when this Government adopts some definite policy and goes forward in its execution, the rebels and all the people of the rebellious States will acquiesce."

Mr. Shellabarger offered an amendment as a substitute for the sixth section of Mr. Stevens' bill, which substitute was accepted by that gentleman. The previous question was then ordered and Mr. Bingham's motion to refer the bill and amendments to the Reconstruction Committee, was agreed to.—Yeas 88, nays 65. So the whole matter was referred to the Committee by the House of Representatives.

## CHAPTER XVI.

### CIVIL GOVERNMENT IN LOUISIANA.

**Mr. Eliot's report from the Committee on the New Orleans riot.—Mr. Boyer's minority report.—Mr. Eliot's Bill for the reestablishment of Civil Government.—Provisions of the Bill.—Bill passed.—Motion of Mr. Wade.—Mr. Sumner's amendment.—Remarks of Mr. McDougall.—Remarks of Mr. Wilson.—The Bill not further considered.**

IN the House of Representatives on the 11th of February, 1867, Mr. Eliot, from the Select Committee on the New Orleans Riots, made a report of the evidence taken, and the report of a majority of the committee on the evidence. Mr. Boyer of Pennsylvania made a minority report, and on motion by Mr. Eliot twenty thousand extra copies of the reports and ten thousand copies of the evidence were ordered to be printed. From the same committee Mr. Eliot reported a bill for the re-establishment of civil Government in the State of Louisiana, which was read twice and ordered to be printed. The bill provided for the appointment by the President, by and with the advice and consent of the Senate of a Governor for the State to hold office for one year unless sooner removed, and of a provisional council

of nine to hold office until a Legislature could be elected. The Governor was to take charge of all archives and other property belonging to the State. Duly qualified electors were to proceed to elect a Governor, Senate, House of Representatives and other civil officers, and all male citizens over twenty-one years of age, who had resided one year in Louisiana and never borne arms against the United States, were to be entitled to vote, without distinction of race or color. The Secretary of War was to provide for a just and true registration of electors under this act. A convention was to be held on the 3d Tuesday of October, to form a permanent constitution and frame of government, to be submitted to the electors and if approved by a majority, to be then presented to Congress for the admission of the State thereunder and the President was to appoint a military commander, not less than a Brigadier General, to see that law is enforced in case the civil authorities neglected or refused to enforce it—militia of the State was to be composed of qualified electors and all laws passed were to be sent to Congress, and if not approved should be void. Louisiana was to be entitled to one delegate to Congress until the State was admitted. All laws now in force consistent with the Constitution and laws of the United States were to remain in force until modified or repealed. All expenses incident to the provisional government were to be collected and paid as for the present government.

Mr. Finck of Ohio, moved to lay the bill upon



the table, pending which the House adjourned. On the 12th the House proceeded to the consideration of the bill. Mr. Boyer of Pennsylvania, a member of the committee on the New Orleans Riots, then addressed the House in opposition to the bill. He was followed by Mr. Harding of Kentucky, who said the reconstruction committee had investigated and reported, and reported, and reported, until it was manifest it had become demoralized, the Republican party was in an emergency, the reconstruction committee was at war with each other and the speaker ought to be empowered to discharge and appoint a new committee of good men and true, without regard to race or color. Mr. Finck denounced the bill, as revolutionary in character and Mr. Noell of Missouri, spoke in opposition to its passage. He was followed by Mr. Shellabarger of Ohio, who said it must be borne in mind that the great body of the citizens of Louisiana had been four years engaged in a fierce, huge and bloody war for the destruction of the government. It must be remembered that the flagrant war was just ended, not by voluntary surrender, or upon professions of changed views or of sorrow, but by reason of a crushing defeat in war. Keeping those things in mind the question arose whether the United States might exercise military and police force for the enforcement of the laws. The question was then taken on the passage of the bill and resulted.—Yeas 113, nays 47.

In the Senate on the 13th Mr. Wade moved to postpone all other business and proceed to the consideration of the bill for the reorganization of the State of Louisiana, and after a brief debate the motion was agreed to.—Yeas 23, nays 19. The bill was read once and Mr. Hendricks interposing an objection, it went over to the next day under the rule.

On the 13th the Senate on motion of Mr. Wade proceeded to the consideration of the bill, and it was read a second time. Mr. Sumner submitted an amendment, and the Senate on motion of Mr. Williams proceeded to the consideration of the bill for the better government of the rebel states. On the 18th Mr. Sumner moved that the Senate proceed to the consideration of the bill for the reorganization of the State of Louisiana. The yeas and nays were ordered on motion of Mr. Buckalew of Pennsylvania. Mr. Sumner said we ought to consider the bill; there ought to be no delay, no postponement. Mr. McDougall was willing to meet the question at the moment. If the Senator from Massachusetts was disposed to thrust the consideration of the Louisiana question on the Senate, he was disposed to "meet the demon on the threshold." Mr. Wilson was in favor of proceeding to the consideration of the bill at that time. He was among those who would take it up in preference to the military bill. "I think" he said "these rebels who are in power ought to be dispossessed of that power at the earli-

est possible moment. Sir, the great charge that the country has made against the President of the United States, the great wrong that he has done the country, is, that when we had conquered the rebellion; when, by his own confession, there was no authority in these States; when the rebels were all out of power; when these States were without civil governments; when they were completely under the government of the nation, he, without consulting Congress and without the authority of law, by his own will put these ten States into the hands of the traitors. Sir, I believe that the President, in doing that act, was guilty of as great a wrong against the country as General Grant would have been had he surrendered his army at Appomattox Court-House to General Lee after General Lee's army was driven out of Richmond. Had General Grant surrendered the army of the Potomac on that field to General Lee's shattered army I do not think he would have done a greater wrong to the country than the President has done in putting these ten States back into the hands of traitors. The first duty we owe to the country, and it is a duty that has been too long neglected, is to remove these traitors from power in the rebel States."

Pending the question of taking up the bill, the Senate on motion of Mr. Stewart, adjourned. Yeas 18, nays 15. So the bill, reorganizing the government of Louisiana, was not further considered by the Senate.

## CHAPTER XVII.

### FOR THE MORE EFFICIENT GOVERNMENT OF THE REBEL STATES.

Mr. Williams' Bill.—Speech of Mr. Brandegee, Mr. Le Blond, Mr. Ingersoll, Mr. Rogers, Mr. Thayer, Mr. Shellabarger, Mr. Garfield.—Remarks of Mr. Stevens and Mr. Banks.—Mr. Kasson's amendment.—Remarks of Mr. Boutwell.—Mr. Bingham's amendment.—Speech of Mr. Kelley, Mr. Allison, Mr. Maynard.—Mr. Blaine's amendment.—Mr. Stevens' amendment. Remarks of Mr. Schenck and Mr. Bingham.—Passage of the Bill.—Senate—Mr. Williams' amendment.—Mr. Wilson's amendment.—Mr. Frelinghuysen's motion to amend the amendment.—Mr. Henderson's amendment.—Mr. Morrill's amendment.—Mr. Sherman's amendment.—Substitute agreed to.—Passage of the Bill.—House—Remarks of Mr. Stevens, Mr. Boutwell, Mr. Blaine, Mr. Bingham, Mr. Farnsworth, Mr. Garfield and Mr. Baker.—Committee of Conference agreed to.—Mr. Shellabarger's motion.—Concurrence of the House.—Senate.—Mr. Wilson's amendment.—Senate concurred.—Passage of the Bill.—The veto message.—Passage of the Bill over the veto.

IN the House of Representatives, on the second day of the second session of the 39th Congress, Mr. Stevens of Pennsylvania introduced a concurrent resolution—that the joint Committee of fifteen on reconstruction, appointed during the last session, should be re-appointed under the same rules and regulations, and that all the documents and resolutions referred then, be considered as referred to them anew. It was adopted without a

division and concurred in by the Senate on the following day. During the recess Mr. Grider of Kentucky had died, and Mr. Hise of the same State was appointed to fill his place on the Committee.

In the Senate on the 4th of February, 1867, Mr. Williams of Oregon, a member of the Reconstruction Committee, introduced a bill for the better Government of the insurrectionary States, which was referred to the Reconstruction Committee. On the 6th Mr. Stevens reported to the House the bill introduced by Mr. Williams on the 4th, with slight modifications. The bill set forth that the rebel State Governments were set up without the authority of Congress, and the sanction of the people; that these pretended Governments afforded no protection to life, liberty, or property; that they encouraged lawlessness and crime, and that peace and order ought to be enforced until loyal State governments could be legally established. Therefore,

“That said so-called States shall be divided into military districts, and Virginia shall constitute the first district, North Carolina and South Carolina the second, Georgia, Alabama and Florida the third, Mississippi and Arkansas the fourth, and Louisiana and Texas the fifth.

“That it shall be the duty of the General of the army to assign to the command of each of said districts an officer of the regular army not below the rank of brigadier-general, and to detail a sufficient force to enable such officer to enforce his authority.

"That it shall be the duty of each officer assigned, to protect all persons in their rights of person and property, to suppress insurrection, disorder, and violence, and to punish all disturbers of the public peace and criminals; and to this end he may allow civil tribunals to take jurisdiction of and to try offenders, or when in his judgment it may be necessary for the trial of offenders he shall have power to organize military commissions or tribunals for that purpose, anything in the constitution and laws of the so-called States to the contrary notwithstanding.

"That courts and judicial officers of the United States shall not issue writs of *habeas corpus* in behalf of persons in military custody unless some commissioned officer, on duty in the district wherein the person is detained, shall endorse upon said petition a statement certifying upon honor that he has information as to the cause of the alleged detention, and that he believes the same to be rightful; and further, that he believes that the endorsed petition is preferred in good faith and in furtherance of justice, and not delay the punishment of crime.

"That no sentence of any military commission or tribunal hereby authorized, affecting the life or liberty of any person, shall be executed until approved by the officer in command of the district; and the laws and regulations for the government of

army shall not be affected by this act, except far as they conflict with its provisions."

On the 7th the bill was taken up and Mr. Finckh desired to know if its passage was to be decided that day. Mr. Stevens was anxious for the

Mr. Finck thought it the most important bill presented to an American Congress. Mr. Wilcox of Iowa agreed with Mr. Finck touching the importance of the measure, and suggested that one day be given to debate. Mr. LeBlond of Ohio wanted time for discussion. He agreed that it was the most important bill ever presented to Congress. "It strikes," he said, "at the civil governments in those States. It ignores State lines. It ignores those States in any particular. It destroys their civil governments. It breaks down the judicial system in those States."

"For two years," said Mr. Stevens, "they have been in a state of anarchy; for two years the loyal people of those ten States have endured all the horrors of the worst anarchy of any country. Persecution, exile, murder have been the order of the day within all these Territories so far as loyal men are concerned, whether white or black, and more especially if they happen to be black. We have the best men, those who stood by the flag of Union, driven from their homes and compelled to live on the cold charity of a cold North. We have seen their loyal men flitting about everywhere, through your cities, around your doors, melancholy,

depressed, haggard, like the ghosts of the unburied dead on this side of the river Styx, and yet we have borne it with exemplary patience."

Mr. Brandegee of Connecticut followed in a brief, eloquent and effective speech. He pronounced it the "plainest, the most appropriate, the freest from constitutional objection, and the best calculated to accomplish those two master aims of reconstruction. The gathering up of the fruits of our victories and the restoration of peace and union upon the only stable basis upon which peace and union can be restored; liberty to all, rights for all, and protection to all. It begins the work of reconstruction at the right end, and employs the right tool for its accomplishment. It begins at the point where Grant left off the work at Appomattox Court-House, and it holds those revolted communities in the grasp of war until the rebellion shall have laid down its spirit, as two years ago it formally laid down its arms." \* \*

"The old rebellion," he said, "has not been suppressed; it still lives; it dominates in every one of these reconstructed States; it has made loyalty odious and treason respectable by forcing traitors into the gubernatorial chairs of ten of the eleven of these revolted communities; in ten out of eleven it has sent traitors who audaciously demand seats upon this floor; it has clothed treason with the ermine on the bench of the ten revolted States; it has filled their halls of local legislation; it has armed treason with the sword of the law in ten of the



States ; it holds to-day the pen of the press, that weapon mightier than the sword ; it desecrates the word of the Most High from all their pulpits ; it hisses out curses against the Union from the sibilant tongues of its women and the prattling lisp of its babes ; it proscribes and hunts to their deaths that noble army of martyrs, the Union men of the South ; and it scouts and throws back in your teeth the mild and merciful terms of reconstruction offered in the constitutional amendments of last session. It no longer creeps upon the ground as in the hundred days which followed Sherman's marvelous march to the sea, or the awful thundering of Grant's cannon in front of Richmond ; but it stands erect, defiant, and audacious, demanding as a right to accomplish by legislation what it failed to achieve by the sword ; and, countenanced by a weak, if not a wicked Executive, and sustained by its copper supports at the North, it erects its brazen brow to the sunlight and beast at the doors of the Capitol."

Mr. Brandegee was followed by Mr. Le Blond, who maintained that these States were States within the Union, that they had never been out of the Union, nor their State governments overthrown. He declared that General Sherman enunciated the true doctrine in the articles of capitulation, and if it had been followed by President and Congress, peace, happiness, and prosperity would now pervade the country.

Mr. Finck pronounced the measure to be a mili-

tary despotism, a violation of the Constitution and the genius of American institutions. Mr. Ingersoll of Illinois asked how any man without blushing could "make the charge against the Republican Union party that it is despotic; that it is attempting to destroy the liberties of the people; that it is seeking to establish monarchy or an oligarchy; that it is seeking to place the powers of the Government in the hands of the few to the exclusion of the many?"

Sir, I have but to point with becoming pride to the record of the Republican party to refute this charge. Has it not enlarged and extended the area of liberty? Has it not taken by the hand the lowly, the poor, the oppressed, and the downtrodden and lifted them up to a political level with itself? Has it not, in opposition to the falsely called Democratic party, stricken the corroding shackles from four million slaves, which the hand of tyranny and despotism fastened upon them, and which the Democratic party kept upon them during three generations? The shackles and that party are going to dust together."

Mr. Rogers of New Jersey said: "I stated in a speech which I made here some three or four weeks ago that the liberties of the people were about being taken away. I stated that in good faith; and the legislation now proposed fully convinces me of my prophecy on that occasion."

An earnest appeal was then made by Mr. Pike

of Maine, for the protection of the men who were with the country in the great battle for the life of the nation. They were hunted because they were the friends of the country. "The Government," he said, "by means of this assistance emerged from the contest victorious, but it now refuses and up to this time has refused to extend its powerful arm in protection of these humble allies." Mr. Farnsworth of Illinois saw the dawn of a better day in the passage of the bill to enforce the rights of all its citizens.

Mr. Bingham of Ohio, a member of the joint Committee on reconstruction, made an elaborate and able speech in which he criticized some of its provisions and suggested several amendments. Mr. Hise of Kentucky declared that malignant and hostile feelings towards the people of those States, was the ground of the determination "to visit this most odious military despotism upon them." Notices of amendments were given by Mr. Lynch and Mr. Trimble.

The debate was resumed on the 8th by Mr. Shanklin of Kentucky. He bitterly denounced the measure and reminded the majority how transient and uncertain were all human events. Mr. Thayer of Pennsylvania eloquently advocated the bill, in which he said: "I regard this as a measure which lays the grasp of Congress upon this great question, a grasp which is to hold on to it until it shall be finally settled. I regard it as a

measure which is to take that great question out of that sea of embarrassment and sluggish inactivity in which, through the course which the President has thought proper to pursue, it now rests." Mr. Harding of Illinois pronounced the bill the best measure that had been offered for the relief and protection of the loyal people of the South.

Mr. Shellabarger begged to remind learned gentlemen, "for," said he, "there are learned gentlemen on the other side of this House and as patriotic as those on this side—that every work on international law contemplates, recognizes, and provides for two states of war, namely: one in which it is flagrant and the other in which it is *cessante*, in the technical language of the books. The latter condition of things, (I simply state the fact to be so, without, of course, stopping now to argue and prove it) is now upon the country, in which a rebellion is simply crushed by war, by the arms of the Republic, but is still sufficiently strong to overthrow and defy the courts in nearly half the territories of the Republic. That is state of war *cessante*; that is a state of things contemplated by your Constitution, and, thank God, the wise men who framed the Constitution provided for the case."

Mr. Raymond of New York expressed the opinion that "all authority in these States should be subordinate to the bayonet and the sword. They are the only effective weapons we can send there. We send our missionaries and teachers there and

we allow these rebels to murder them. The best missionaries we can send there now are the sword and the bayonet. Suspend these over their heads and keep them in check until we can send civil authority there. Let us have that protection there first, and then let us discuss the question what kind of civil government we shall establish." Mr. Griswold of New York would give those States longer time to accept the Constitutional amendment.

Mr. Garfield of Ohio affirmed that Congress with the laws and war powers in its hands, had declared that it would "do nothing for vengeance, but everything for liberty and safety. The representatives of the nation said to the people of the South, join with us in giving liberty and justice to that race which you have so long outraged, make it safe for free loyal men to live among you, bow to the authority of our common country, and we will forgive the carnage, the desolation, the losses, and the unutterable woes you have brought upon the nation, and you shall come back to your places in the Union with no other personal disability than this: that your leaders shall not again rule us except by the consent of two-thirds of both Houses of Congress. That was the proposition which this Congress submitted during its last session; and I am here to affirm to-day that so magnanimous, so merciful a proposition has never been submitted by a sovereignty to rebels since the day when God offered forgiveness to the fallen sons of men."

Mr. Stevens thought the previous question should be sustained ; Mr. Bingham opposed it. Mr. Banks of Massachusetts thought a two days' debate would bring a solution of the question ; and Mr. Eldridge appealed for farther time. Mr. Stevens moved the previous question which was not sustained.—Yeas 61, nays 98. Mr. Kasson of Iowa stated that he intended to offer a bill as an amendment, “to establish an additional article of war for the more complete suppression of the insurrection against the United States.” Mr. Banks desired that the plan of reconstruction should embody all the necessary measures for the protection of loyal people, and for the preservation of the Government, and that it should exclude all extraneous, hostile, and personal considerations.”

On the 9th the debate was resumed. Mr. Raymond said he had a suggestion to make, and that was that the bill and amendments be referred to a select committee of five or seven members, to sit during the sessions of the House and to report at an early date a bill to provide for the protection of rights and preservation of peace in the rebel States, and for their speedy admission, upon the basis of the Constitutional amendment, adopted at the last session.

Mr. Boutwell of Massachusetts opposed the proposition and insisted that the House should hold the question in the hands of the Representatives of the people, and “take the judgment of this House

upon the question whether all power shall be surrendered to the rebels of the South or whether we shall exert the constitutional authority we possess over the army (which is our servant to-day and will be our servant through all this contest) in the interest of loyalty, and thus break down the governments in the South, lay a basis on which we may be able to build civil institutions, and, as soon as we have the opportunity, prepare a way for their establishment. But it is the vainest delusion, the wildest of hopes, the most dangerous of aspirations to contemplate or even to hope for the reconstruction of civil government until the rebel despotisms enthroned in power in those ten States shall be broken up." Mr. Raymond continued the debate, and was followed by Mr. Niblack of Indiana, who was of the impression that restoration was not wanted by the Republican party, as high tariff and other monopoly interests were holding high carnival in the disorganized condition of the country.

On the 12th the House resumed the consideration of the bill, and Mr. Bingham submitted an amendment providing that the act should cease to operate in a State whenever the Constitutional amendment should become a part of the Constitution, and when any State lately in insurrection should have ratified the same, and modified its constitution and laws in conformity therewith, and presented to Congress a constitution of government republican in form and not inconsistent with the

Constitution and laws of the United States, and which should secure equal and impartial suffrage to the male citizens of the United States, twenty-one years of age, resident therein, without distinction of race or color, and which should have been approved by Congress, the Senators and Representatives from such State, if found duly elected and qualified, might, after having taken the required oaths of office, be admitted into Congress as such.

This amendment had been urged by Mr. Bingham in the joint special committee on reconstruction, but had failed, and was now offered by him, and in substance finally incorporated into the act, and by it suffrage was given to six hundred thousand freedmen in the ten rebel States.

Mr. Kelley of Pennsylvania spoke for the bill not as a measure of reconstruction, but as a measure of protection. "I appeal," he said, "to them by the adoption of this bill, pure and simple as it came to us, with the sanction of the committee of fifteen, to give security to every Union man in the South or avenge his wrongs, and to allow those who now are held in constrained hostility to the Government of their fathers to avow a desire for peace at the end of a long and disastrous war.

\* \* \* \* \*

The passage of this bill or its equivalent is required by the manhood of this Congress to save it from the hissing scorn and reproach of every southern man who has been compelled to seek a home in



the by-ways of the North, from every homeless widow and orphan of a Union soldier in the South who should have been protected by the Government, and who despite widowhood or orphanage would have exulted in the power of our country had it not been for the treachery of Andrew Johnson. In God's name, men of the Thirty-Ninth Congress, do not interweave your names ignominiously with his by betraying the Union men of the South and surrendering nearly one half of the country to rebels whose power your armies crushed."

"I know of but one way," said Mr. Allison of Iowa, "to surely and certainly place this control in the hands of loyal men, namely, to treat as utterly void the governments organized by the President in those States."

"The times," said Mr. Maynard of Tennessee, "require positive, affirmative action. It is not quite accurate to say that we are at peace; that there is no war. What peace is it? The peace of Vesuvius at rest, the peace of the slumbering volcano; the fires banked up, not extinguished; the strength of the combatants exhausted, but their wrath unappeased; no longer able to continue the conflict, but awaiting a more favorable opportunity to renew it. It is the cessation of hostilities rather than peace."

Mr. Blaine of Maine, would vote for the bill whether amended or not, and he proposed an amendment containing in substance the provisions

of Mr. Bingham's amendment, and earnestly appealed to Mr. Stevens to allow the House to vote upon it. Mr. Garfield made an eloquent and effective speech in favor of the bill: he said the proposition to allow negroes to aid in putting down the rebellion was received with alarm even by the Republicans. \* \* \* "But, sir, the hand of God has been visible in this work, leading us by degrees out of the blindness of our prejudices to see that the fortunes of the Republic and the safety of the party of liberty are inseparably bound up with the rights of the black man. At last our party must see that if it would preserve its political life, or if we would maintain the safety of the Republic, we must do justice to the humblest man in the nation, whether black or white. I thank God, that to-day we have struck the rock; we have planted our feet upon the truth. Streams of light will gleam out from the luminous truth embodied in the legislation of this day."

Mr. Noell of Missouri, spoke against the measure. Mr. Van Horn of New York, renewed the debate on the 13th in a speech of rare beauty and force: "God" he said "in the person of his Son, has given the world a guarantee that the great truths of His gospel shall triumph in the world, and woe to the nation or the people who thrust themselves against His Omnipotent decree. Onward and still onward has the great thought of the universal brotherhood of man, a common immortality to all, an equal

chance in the race of life to secure the highest hope of a common Christianity, all of which is the central, all-controlling idea of this gospel, been making its way, elevating by degrees, but surely, the thoughts of the people, producing here and there startling revelations and hastening the world on to still higher hopes and a more illustrious advance. The struggle, though silent, is majestic and grand. It is the working of the great thought of Omnipotence in the minds and hearts of men, stirring them to the oftentimes wonderful developments of progress that astonish the world."

\* \* \* \* \*

"The heaving, surging sea of angry, bloody strife has become still as the wave of battle has subsided, but down in its mighty depths the current rolls on and on, and still the war of antagonisms and conflicting ideas continues. God, my friends, has not abandoned the field yet, and will not leave it until every knee shall bow and every tongue shall confess that he is God forever more. His eternal justice is deaf to all appeals that come short of being inspired by the Divine precept embodied in the 'golden rule,' and it is useless to presume upon His forbearance and mercy while we regard iniquity in our hearts and practice it toward those for whom He has overruled this great conflict and directed it to a happy issue."

Mr. Stevens offered an amendment as a substitute for the bill reported by the committee. Mr. Bout-

well spoke for the measure declaring that "for the purposes which we have in view, which is to keep in our own hands, as the political department, the reorganization of these ten States, this bill in its present form is of vital importance to the future welfare of the country." Mr. Schenck of Ohio, was in favor of the amendment offered by Mr. Blaine. "We ask" he said, "for a scheme; we ask for consistency; we ask for a plan; we ask for a policy to be adopted by Congress. \* \* \* \* The friends of the amendment say—'pass your bill declaring martial law, but accompany it with an additional provision which shall indicate to the States that have been in rebellion, what you expect them to do, in order that they may get rid of martial law by showing their fitness to have it lifted from them.'"

Mr. Stevens moved the previous question, but the House refused to sustain it. Mr. Bingham pressed his amendment. He would "bow" he said "to the decision of the House," but he did ask the "poor privilege of having a vote by yeas and nays on this question; shall the amendment pass and thereby notify the people of the insurgent States whether it is our purpose to allow them on any terms whatever to reform their constitutions and be restored to their political relations to the Government of the United States as States of this Union."

Mr. Blaine asked if Mr. Bingham would be willing to take his amendment as a substitute; Mr. Bingham had no objection if he would propose the

constitutional amendment with it. Mr. Blaine then moved that the bill be referred to the Judiciary Committee, with instructions to report back immediately his amendment as an additional section, and on the motion he demanded the previous question which was sustained. Yeas 65, nays 75. On motion of Mr. Stevens the main question was ordered. Yeas 85, nays 78. The debate was then closed by Mr. Stevens; the vote was taken on Mr. Blaine's motion to refer the bill to the Judiciary Committee with instructions and it was lost. Yeas 69, nays 94. By unanimous consent Mr. Stevens' substitute was considered as the original bill. The question was then taken on its passage by yeas and nays. For the bill 109, against it 55. Mr. Stevens asked the Speaker if it would be "in order for me now to say that we indorse the language of good old Laertes, 'that Heaven rules us yet, and there are Gods above?'"

In the Senate on the 14th the bill was read a second time and Mr. Williams of Oregon, who originally introduced it, gave notice that he would move the amendment that had been moved in the House by Mr. Blaine. On the 15th the Senate resumed the consideration of the bill; and Mr. Williams stated that after consultation he had concluded that the passage of the bill would be endangered by any amendments, and that he would not move the amendment of which he had given notice. He stated that he should press it to a vote if possible, the

next day and asked its friends to refrain from general debate. Mr. Johnson of Maryland, remarked that the adoption of the amendment proposed by Mr. Williams would make the bill very much less objectionable; that he should not have voted for it even if it had not been so amended; that he was anxious to improve the bill and would therefore move the amendment and call for a division.

Mr. Stewart of Nevada, regretted that Mr. Williams should have changed his mind; as the military bill without the amendment would be an acknowledgement that after two years' thought and discussion they were unable to reconstruct. These people should have a road open by which to escape military government; he would say to them "whenever you will do right, whenever you will do justice you shall receive mercy."

Mr. Wilson of Massachusetts, moved to amend the amendment by inserting a clause providing that "by constitution and laws all citizens of the United States, should equally possess the right to pursue all lawful avocations and business, to receive the equal benefits of public schools, and to have the equal protection of all the rights of citizens of the United States." Mr. Wilson said, "universal manhood suffrage has ceased to be a contested issue in America. Although it is not yet incorporated into constitutions and laws, it is just as much an achieved fact in the ten rebel States as it is in the District of Columbia, the State of Tennessee, or the Territories.

The battle of manhood suffrage is fought and won; all we have to do now is to provide for the formal incorporation of that principle into constitutions and laws."

Mr. Howard of Michigan, thought the amendment entirely incompatible with the provisions of the bill. The bill proceeded upon the principle that the rebel States had been conquered by the arms of the United States. The bill "recognizes the military authority of the United States over these countries. It recognizes the right and duty of Congress to provide for their military government, for the protection of persons and property, and the preservation of any vestige of liberty that may remain among them. If we have the power thus to act in the rebel States, then these so called States themselves are not now invested with State rights and the power of State legislation. \* \* \* If therefore we are to govern these States by military power, let us say so plainly, and not in the same bill insidiously and deceitfully grant civil powers to the States themselves which we propose to rule by the sword."

Mr. Williams said that true policy indicated to the friends of the measure the passing of the bill without amendment, and then the passing of additional bills, or regulations for the desired legislation. He feared the amendment of the bill would eventuate in its defeat. Mr. Kirkwood of Iowa, wished to know if it would be any more easy to pass a new

bill than to amend the bill and send it back to the House. "The President" replied Mr. Williams "had ten days in which to determine whether he would sign the bill or not, and if vetoed it must be passed by a two thirds vote—no time should be lost. Mr. Stewart could not vote for the bill unless amended." Mr. Morrill thought "it a mild-mannered bill," and that Mr. Stewart was premature in avowing his hostility to it. He was for it, with or without the amendment. "I say to the honorable Senator from Nevada that he should be—I fear he will have occasion to be—vastly more solicitous for an apology for not passing this bill than for reasons to justify himself in doing so. Sir, if there ever was a measure demanded of a legislative tribunal, this is the one. This is an advance measure; a measure demanded by the times; a measure quite too long postponed, in my judgment."

Mr. Stewart earnestly pressed the amendment,—it had already received the votes of a majority of the union members of the House. "It was" he said "defeated by a minority of the Union members coalescing with the Democrats." Mr. Williams desired a vote indicating the sense of the Senate upon the amendment. He was not hostile to the amendment, but it had been represented to him by members of the House that the bill would be lost if it went back to that body. Mr. Sherman said this was the gravest question that had come before Congress at any period of its deliberations, and he was not to



influenced in the slightest degree by the opinions of members of the House. Mr. Conness hoped the suggestions of Mr. Williams would receive the attention of the Senate and that the amendment could be first discussed and acted upon.

Mr. Hendricks said the bill authorized the General of the army to assign officers in the military districts, and he desired the Senator from Oregon to say if the President will have any command of the officers of the army after they have been assigned to the General of the army. "I have no doubt in my own mind" replied Mr. Williams "that the President of the United States by virtue of the authority vested in him by the Constitution, may overrule by order that may be made by the General of the army that does not controvert this law." Mr. Henderson had not been pleased with the military administration of affairs in the rebel States. He thought the scope of the measure simply gave the action of Congress, to military administration by the President in the Southern States. They were not injuring the South half so much as they were themselves by military government, and he doubted whether it would be any protection to loyal men. "There is" he said, "but one solution, and there will ever be but one solution, and that is to ascertain what the disease originally was, and then apply the remedy. The disease was aristocracy. The disease was that there were persons in the southern States not entitled to civil or political rights. I mean the

negroes. It is a clear proposition that we have got to do one of three things; we must, first, either kill the negroes; or second, we must send them out of the country; or third, if we intend to retain them, we must give them civil and political rights. What is the use of hesitating about arriving at that result? If we have made up our minds to reconstruct in the South there is no other way of reconstruction and we need not send the military there." Mr. Dixon wished to know "whether it would not be better that that privilege or right should be given them by the free action of the Southern States themselves, by amendments of their own State constitutions. "Certainly" replied Mr. Henderson "if they will do it." Mr. Henderson further declared—"unless you reorganize in such a way as to give each and every individual the power to protect his own rights, I say reconstruction will be a humbug and a failure." Mr. Howard had "no doubt that it was within the competency of Congress, under the Constitution, in the form of a law, to impose any duty upon any military officer by name or by rank, and that it was not in the competency of the President, after the passage of such a law, to thwart its execution or interfere with its execution in any way."

Mr. Yates said "the Congress of the United States says that the President shall do his duty; he shall give this protection as Commander-in-Chief of the Army and Navy. If he fails to give it, then there

is another question; then Congress still has the power in its own hands." He was in favor of the amendment and of the bill. Mr. Williams moved to hold an evening session; Mr. Doolittle, Mr. Hendricks and Mr. McDougall opposed it, but it was agreed to.

In the evening the Senate resumed the consideration of the bill, the pending question being on Mr. Wilsons' amendment to the amendment which was rejected. The question recurring on the amendment, Mr. Hendricks moved to so amend it as to provide for impartial, instead of universal suffrage. "The passage of this bill" said Mr. Saulsbury "if it shall become an act either by the signature of the President or by the vote of Congress over a veto, is in my judgment, as we heard this afternoon, the death-knell, not only of the Republic, but of civil and constitutional liberty in this country. Mr. Davis was as much opposed to the bill as the Senator from Delaware, but he should not hesitate one instant in voting for it;—if there was a choice between evils at all,—then it must be very apparent, that impartial suffrage was the least of the two.

Mr. Doolittle hoped the amendment would be adopted; if the bill was to pass he attached great importance to the effect it was likely to produce in the Southern States. Mr. Wilson said, that colored men were citizens and that settlement upon any other basis than perfect equality of rights and privileges among citizens was mere trifling, only

keeping open questions for future controversy; nothing was settled unless upon the bases of justice. Mr. Doolittle asked if Mr. Hendricks' amendment did not "put whites and blacks upon the same ground precisely, so that whatever qualifications were required of one should be required of the other?" Mr. Wilson replied that "impartial suffrage means nothing more nor less than the exclusion of nearly all the colored persons from the polls. That is plain and evident. The only opportunity for these men is to establish universal suffrage on the basis of manhood. I would require the people of the rebel States to adopt manhood suffrage and to give equality of rights and privileges to all citizens without distinction of color."

Mr. McDougall was in favor of Mr. Hendricks' amendment, but was opposed to the original amendment, which "tended to put the Southern States into the hands of negroes, many of whom were savages, held in subjection by superior force; men who had no families, no education, no idea of liberty except escape from labor, and some of whom were as ignorant and as low as when they were taken slaves by the King of Dahomey, and sold upon the Guinea coast."

Mr. Lane would vote for the amendment, believing it necessary to make a perfect system for the restoration of the rebellious States; but he was opposed to the amendment substituting "impartial" for "universal" suffrage. "This amendment" he

said "strikes the key note of restoration." Mr. Willey felt constrained to vote for the impartial suffrage amendment, but Mr. Hendricks withdrew it. Mr. Johnson said the amendment he had proposed was not his own; it came from the Senator from Oregon and he supposed it had received the assent of his particular friends and he was much surprised when he withdrew it. Mr. Howard was opposed to the amendment because it was a complete defection from the action of the Committee on Reconstruction relating to the right of suffrage. "I see," he said "in this amendment a fatal snare by which we shall be deceived in the end, by which we are to be deluded into a premature readmission of the rebel States in such a manner as to make us ultimately repent of our folly and rashness. Mr. Buckalew had been solicited to vote for the amendment by gentlemen in whose judgment he had great confidence but he was averse he said "from conviction to the introduction of any State into this Union, or to her rehabilitation with all her former political powers, upon the condition that she shall make suffrage within her limits universal and unlimited among the male inhabitants over twenty-one years of age."

\* \* \* \* \*

"I shall not vote to degrade suffrage. I shall not vote to pollute and corrupt the foundations of political power in this country, either in my own State or in any other. I shall resist it everywhere and at

all times. If overborne, if contrary and opposing opinions prevail, I shall simply submit to the necessity which I cannot resist, leaving to just men and to future times the vindication of my conduct."

Mr. Cragin thought Senators who had voted for the Constitutional amendment could not consistently vote against the amendment, and unless it was adopted he should vote for the bill most reluctantly. Mr. Frelinghuysen moved to amend the amendment so as to require a residence of one year, and it was accepted by Mr. Johnson. Mr. Williams desired a vote on the amendment so as to signify the intentions of the Senate; but Mr. Henderson moved to amend it, so as to except such as may be disqualified on account of rebellion, felony at the common law, idiocy or insanity. He did not say he should vote for the bill even should it be so amended. Mr. Brown gave notice that he should move to amend the third section of the House bill, by providing that in all elections there should be no exclusion of any person from suffrage on the ground of race, color or previous condition of servitude; he thought that would achieve the desired end without the embarrassments that served to hang around the pending amendment.

Mr. Hendricks addressed the Senate in opposition to the House bill;—he knew of no language which he could command that would describe his hostility to that, and to the Louisiana bill; he denounced the measure as despotic; he said that "in no republic

that has existed on earth, and in no circumstances, connected with the history of the United States, do we find a parallel for this proposition. It has no virtue; it has every vice that so short a bill can possess." After further discussion, in which Mr. Davis, Mr. Henderson, Mr. Pomeroy and Mr. Williams briefly participated, Mr. Henderson's amendment was agreed to. The bill was further amended, on motion of Mr. Frelinghuysen, so that the constitutions should be formed by a convention of delegates chosen by persons who were authorized by the bill to vote on the ratification or rejection of the constitutions. Mr. Morrill moved to amend the amendment so that the people of any of the so-called Confederate States should give assent to the Constitutional amendment. Mr. Sumner said there was another amendment "that ought to come in in that same connection, though I feel that this whole proposition is so thoroughly vicious in every line and in every word from the first to the last, that in order to make it at all so as to receive, it seems to me, a single vote, it ought to be amended from the first word to the last." Mr. Morrill's amendment was then so modified, on the motion of Mr. Frelinghuysen, as to require the assent of each State after it should be reconstructed, to the Constitutional amendment. It was then moved by Mr. Sumner to amend the amendment by adding, "by the ratification of three-fourths of the legislatures of the several States, having valid legislatures."

The amendment was opposed by Mr. Johnson, Mr. Doolittle, Mr. Saulsbury and Mr. Hendricks, and advocated by Mr. Sumner. It was rejected.—Yeas 7, nays 25. Mr. Henderson moved to amend the original bill by substituting the Louisiana bill with various modifications. Mr. Williams, after expressing his surprise at the proposition made by Mr. Henderson, moved that the Senate adjourn, and the Senate after ordering the substitute to be printed, adjourned at three o'clock in the morning.

The debate was resumed on the 16th by Mr. Doolittle, who rose, he said, "to plead for the life of the Republic, and to plead for that spirit in which it lives and moves and has its being, and without which it is dead already; and second, to answer for myself because I have been pleading for it with all the power that God has given me, for the last two years in my own State, in this Senate, and elsewhere." He denounced the bill and kindred propositions, "call them by what name you will, they are in substance a declaration of war against ten States of this Union—they are nothing more, they are nothing less."

Mr. Saulsbury followed Mr. Doolittle in opposition to the measure which had its origin, he said, in the unhallowed motives "of the desire of gain, the desire of power, the desire of revenge." He pronounced it a measure for reducing their own race to the abject control of an inferior race. "Sir, go



and search the history of the world," he said, "go read the history of any civilized people on earth, and point me if you can to a single instance where members of a superior race have attempted to degrade their own race into subjection to an inferior and a lately servile race."

Mr. Davis followed in a long, bitter and vehement attack upon the bill and its supporters: "The bill," he said, "and the kindred measures passed and pending, are charged with the insolence, oppressions, cruelty, and vengeful spirit of the fiercest conquerors, and such is the only legitimate affinity between its authors and conquest."

Mr. Sherman desired to move a substitute for the bill; the question was then taken on Mr. Johnson's amendment and Mr. Henderson's amendment, and they were rejected without a division. Mr. Sherman then moved his amendment as a substitute for the House bill. That amendment had been considered in a caucus of Republican members, had been referred to a committee of seven of which Mr. Sherman was made chairman to re-cast it, had been reported to the caucus, agreed to, and Mr. Sherman instructed to move it as a substitute. The provision of the 5th section which was moved in the Joint Committee on Reconstruction by Mr. Bingham, giving colored men the right to vote, which had been incorporated in that section by Mr. Bingham and Mr. Blaine, and was in the amendment moved by Mr. Johnson, was struck out by a ma-

jority of the committee of seven, but was retained after an earnest debate in the caucus by a vote of 15 to 13. The first four sections of the substitute were in substance the bill originally introduced by Mr. Williams, reported in the House by Mr. Stevens, and passed; the 5th section was in substance the amendment proposed by the Joint Committee on Reconstruction by Mr. Bingham, moved by him in the House and by Mr. Blaine, and in the Senate by Mr. Johnson, and modified and amended by the Senate.

Mr. Cowan emphatically denied the power to pass the bill which he pronounced "the sum of all atrocities." Mr. Buckalew moved to amend the bill so that sentences affecting life should be approved by the President. Mr. Williams maintained that the amendment was not necessary, as the regulations for the government of the Army required it, and it was rejected.—Yeas 14, nays 26. Mr. Hendricks moved that no punishment should be inflicted which is not prescribed by law—rejected.—Yeas 8, nays 28. Mr. Hendricks moved to amend so that the bill should declare that "the right to vote shall be denied to none," instead of that "the elective franchise shall be enjoyed by all;" rejected without a division. Slight amendments were offered and rejected. Mr. Hendricks then addressed the Senate in opposition to the substitute moved by Mr. Sherman. He charged that the bill proposed to go into

ten States and establish a military government there, "unknown to the common law, unknown to the law of our race for a thousand years ; that military power and military government, the will of the commanding General, shall be the form of government, for men, women and children in time of peace ; a bill which under the pretence of establishing republican governments, takes away from the government there every republican principle and form that can possibly be conceived."

Mr. Sherman briefly explained the substitute. He said : "The first four sections of this substitute contain nothing but what is in the present law. There is not a single thing in the first four sections that does not now exist by law.

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Now, in regard to the fifth section, which is the main and material feature of this bill, I think it is right that the Congress of the United States, before its adjournment, should designate some way by which the southern States may reorganize loyal State governments in harmony with the Constitution and laws of the United States and the sentiment of the people, and find their way back to these Halls. My own judgment is that that fifth section will point out a clear, easy and right way for these States to be restored to their full power in the Government. All that it demands of the people of the southern States is to extend to all

their male citizens, without distinction of race or color, the elective franchise."

The debate was further continued by Mr. Buckalew, Mr. Doolittle, Mr. Norton, Mr. Van Winkle, Mr. Saulsbury and Mr. Davis. Mr. Norton moved to strike out "rebel States," and insert "the States now unrepresented in Congress," but it was rejected without a division. On motion of Mr. Wilson the yeas and nays were taken on the substitute, and it was agreed to.—Yeas 32, nays 3. Mr. Sherman moved to strike out the preamble and insert: "Whereas no legal State governments or adequate protection for life or property now exists in the rebel States of Virginia, North Carolina, South Carolina, Georgia, Mississippi, Alabama, Louisiana, Florida, Texas and Arkansas; and whereas it is necessary that peace and good order should be enforced in said States until loyal and republican State governments can be legally established: Therefore."

Mr. Saulsbury felt a full "assurance that 'life's fitful fever' will soon be over with the political party which has done so much injury to this country for the past six years. The passage of this act I regard as the death-knell to the worst enemy of my country, and that is the Republican party." The motion to amend the preamble was agreed to. Mr. McDougall then moved that the elective franchise should not apply to citizens made so by the civil rights act until they had been five years such citi-

zens—lost.—Yeas 7, nays 30. Mr. Norton moved to strike out the preamble of the bill.—Yeas 9, nays 27. On motion of Mr. Doolittle the bill was amended at the end of the 4th section by adding a proviso: "That no sentence of death under the provision of this act shall be carried into effect without the approval of the President."—Yeas 21, nays 16.

Mr. McDougall then spoke in unqualified condemnation of the measure which he pronounced "black as night, and hideous as black." On motion of Mr. Wilson the yeas and nays were ordered on the passage of the bill, and the question being taken, resulted—Yeas 29, nays 10.

The title was changed by striking out "insurrectionary States," and inserting "rebel States."—Yeas 27, nays 4. So the bill giving protection to the people of the rebel States, and giving suffrage to the negro race in those States, passed the Senate at twenty minutes past six o'clock, Sunday morning, February 17th, 1867.

In the House on the 18th, Mr. Stevens moved that the amendment of the Senate be non-concurred in and the House ask a Committee of Conference. Mr. Boutwell declared his opposition to the substitute of the Senate to be fundamental and conclusive; it proposed to reconstruct the rebel States at once through the agency of disloyal men. Mr. Stokes of Tennessee would not vote to place the government of the rebel States in the hands of rebels. If the bill passed, he predicted that loyal

men, black and white would go under. Mr. Stevens said, "pass this bill and you open the flood-gates of misery; you disgrace in my judgment the Congress of the United States." Mr. Blaine thought the proposition to send the bill to a conference committee was simply a proposition to do nothing at all, and he called upon the friends of a Republican form of Government and universal suffrage to vote for the measure as it came from the Senate. Mr. Wilson of Iowa, avowed his intention to vote for the bill; there was too much good in it to be rejected.

Mr. Bingham should vote for the bill and should neither ask pardon of, nor offer apology to any man. "For myself," he said, "I had rather that my right hand should forget its cunning and that my tongue should cleave to the roof of my mouth, than to find myself here so false to my own convictions, and so false to the high trust committed to me by that people who sent me here, as to vote against this bill. Not that I think this the most perfect form of legislation, but I know that the defeat of this bill to-day is really a refusal to enact any law whatever for the protection of any man in that vast portion of our country which was so recently swept over by our armies from the Potomac to the Rio Grande."

Mr. Farnsworth said it was evident that they must pass the bill, or else pass none, and if Congress failed to pass a bill to protect loyal people it would be justly reprobated. Mr. Schenck said that "believing every motion to commit this bill, to amend it,

to ask for a committee of conference upon it, together with all other dilatory motions whatever, will have no effect except to defeat this bill, whether so intended or not; I shall oppose every such motion and aid those who would have the House come at once to a direct vote upon the substitute proposed by the Senate."

Mr. Garfield said, "this bill starts out by laying its hands on the rebel governments and taking the very breath of life out of them. In the next place it puts the bayonet at the breast of every rebel in the South. In the next place, it leaves in the hands of Congress, utterly and absolutely, the work of reconstruction. Gentlemen here, when they have the power of a thunderbolt in their hands, are afraid of themselves and propose to stagger like idiots under the weight of a power they know not how to use. If I were afraid of this Congress, afraid of my shadow, afraid of myself, I would declaim against this bill, and I would do it just as distinguished gentlemen around me have done and do declaim against it. They have spoken vehemently, they have spoken sepulchrally against it, but they have not done us the favor to quote a line or the proof of a single word from the bill itself that it does any one of the horrible things they tell us of."

Mr. Baker was in favor of the bill; he said, "the obstinate determination of the defeated insurgents to control the destinies of ten States, to reject all

guarantees of national safety, to select unrepentant rebels as their representative men, to crush out the lives, the sentiments, and the liberties of men loyal and true to the country, to make loyalty infamous and treason honorable all over the wide region swept by the rebellion, thus laying anew, broad and deep, the foundations of future and bloody discord in the Republic, has, in the march of time, and by the inexorable logic of necessity, made it the imperative duty of the Government to appeal to the great democratic principle of universal suffrage, by extending the ballot to every disfranchised loyalist in the rebel States."

Mr. Thayer saw in the proposition what he believed would be regarded by the deliberate judgment of the American people as ample guarantees of the loyalty and obedience of the South; every safeguard, every check, and every guarantee which it was proper to demand, are embraced in the terms. Mr. Randall moved to lay the bill on the table; lost. Yeas 40, nays 119; the previous question was then ordered, and Mr. Stevens took the floor to close the debate, and with his consent Mr. Hotchkiss, Mr. Bromwell, Mr. Donnelly and Mr. Higby spoke in opposition to the bill from the Senate, and Mr. Le Blond and Mr. Eldridge spoke in opposition to all that class of legislation. Mr. Delano spoke for the bill as the best he could hope for, expect or obtain then. An arrangement was then made to take the



vote at 11 o'clock next day, and have the debate go on during the evening.

Mr. Woodbridge said the bill "secured universal suffrage," that "future safety of the country demands all these guarantees, and if they are accepted by the rebellious States, fraternity will follow and the future of the South will be as bright and glorious as her past has been wicked and oppressive." Mr. Hise opposed the entire policy of Congress and pronounced the measure a violation of the Constitution. Mr. Davis was in favor of the passage of the measure because the exigencies of the Republic and duty to loyal citizens demanded it. Mr. Loan was opposed to its passage. Mr. Banks maintained that military tribunals ought not to be established for the purpose of initiating or controlling civil government. Mr. Hill spoke in favor of the bill, and Mr. Niblack against it. Mr. Davis felt compelled by his convictions to vote to concur in the amendment of the Senate.

Mr. Ross thought the Southern loyalists would pray God to deliver them from their friends if that was the relief proposed. "This amendment of the Senate," said Mr. McRuer, "meets my hearty approbation." Mr. Henderson regretted that he could neither vote for nor oppose the bill, and Mr. Miller maintained that sending the bill to the committee of conference was placing it at the mercy of the President. Mr. Finck denied the constitutional power to pass the measure, and predicted that the

attempt at reconstruction would fail. Mr. Cook spoke for the bill. Mr. Lawrence was for simply passing an act for the protection of the loyal men of the South, who stood firm amid the gloom and darkness and storm of the rebellion. Mr. Darling had no misgivings and no fear in concurring with the Senate. Mr. Taylor was opposed to the original bill and the substitute. Mr. Arnell could not sit still and fail to express his "horror of the principle that made rebel elections the basis of reconstruction."

Mr. Williams said the bill was a "response to the cry of an oppressed and bleeding people. It went out from this House, the Hall of the people, reflecting, as it must always do, their opinions and their will, wielding the avenging sword of justice in its hands; and it comes back from a branch of the Legislature which is not intended in theory, or expected in fact, to answer to the popular breeze, until it has blown with more than the steadiness of the trade-winds for a period of six years—shorn of its menacing features, with the sword sheathed, and an olive branch in its hands, withdrawing the protection we had offered to loyalty, and tendering in its stead a propitiatory offering to treason. We sent to the Senate a proposition to meet the necessities of the hour, which was protection without reconstruction, and it sends back another which is reconstruction without protection."

Mr. Grinnell desired to sleep over the matter, and on his motion the House adjourned. On the 19th

the House proceeded to vote and refused to concur in the Senate bill.—Yeas 73, nays 98, and the motion of Mr. Stevens asking for a committee of conference was agreed to. Mr. Stevens, Mr. Shellabarger and Mr. Blaine were appointed managers. In the Senate, on the 19th, Mr. Williams moved that the Senate agree to the conference asked for; Mr. Conness hoped that there would be no committee of conference; the question transcended in importance any other ever before the American Congress, and he objected to confining its further discussion to the narrow special embraces of a conference committee, of three members from each body. Mr. Williams feared sending the bill back to the House would cause its defeat. Mr. Sumner was for a committee of conference, sending it back to the House would kill it. Mr. Pomeroy did not believe the bill would become a law that session. Mr. Fessenden did not want to see the bill lost and was for a conference committee. Mr. Howard was not willing to entrust a measure of such magnitude, whose influences were to be so vast and enduring, to such a committee. Mr. Sherman thought it best for the Senate to stand by its deliberate conviction, and give the House another opportunity to reconsider its vote. Mr. Hendricks should not vote for the committee. Mr. Lane thought there was nothing to confer about, and he should vote against a conference; and Mr. Wade thought it too grave a matter to go to a committee. An earnest and somewhat personal debate sprang up, in which Mr. Wade, Mr. Fessenden, and Mr. Howard

participated. Mr. Brown was opposed to a conference committee, and Mr. Williams expressed it as his deliberate opinion that the Senate ought to agree to a committee, and exhaust every legitimate means to procure the passage of the bill. He had prepared it, and when he prepared it he thought it the true policy to establish a military power in the rebel States to enforce legislation.

Mr. Sherman moved that the Senate insist upon its amendment. Mr. Trumbull said he had never regarded the bill as it came from the House, called the military bill, as of the slightest importance. The laws now conferred all the powers in the House bill. He thought the amendment put upon the bill by the Senate contained every guarantee that had ever been asked for by any one. Never should such a great question as this, open in all its parts, be by him submitted to a committee of conference. Mr. Sumner again advocated a conference committee, and Mr. Sherman expressed the opinion that if the bill was sent back to the House, it would be slightly amended and passed before ten o'clock that night. Mr. Sumner's information led him to the belief that the bill would be lost. He said the bill was very defective, horridly defective, rarely had good and evil been mixed on such a scale. He rejoiced that the House had given the Senate an opportunity to reconsider its action and amend the bill. Mr. Sherman said that the Senator had stated for the first time his opposition to the measure. "The Senator,"

replied Mr. Sumner, "was not present when I denounced the amendment more severely than I have to-day." "The Senator," replied Mr. Sherman, "two nights ago expressed his decided opposition to the Blaine amendment; but it must be remembered that since this substitute was introduced, after careful consideration by the Senator from Massachusetts, as well as others, he contented himself with remaining in his seat in silence, without expressing the least opposition to it. It may not be improper for me to say that at an early hour he left and went home, leaving the friends of the measure to pass it without his vote and ignorant of his opposition, at least from any expression of his in the Senate. He now states that the ground of his opposition is that the bill does not disfranchise the whole rebel population of the Southern States."

Mr. Sumner said he took no such ground; the bill did not provide proper safeguards against the rebel population; he did not open the question how far disfranchisement should go. Mr. Sherman said that no proposition would pass Congress that disfranchised the white population with few exceptions, and placed power in ten States in the hands of ignorant emancipated freedmen; the people would have "neither white nor black oligarchies." Mr. Wilson expressed the hope that the debate would cease, that the bill might be sent back to the House, "in the hope that it will there be passed

either as it now stands or amended in such a way that we can concur, and that thus this great and grand measure, the greatest by far of the measures of the session, if not of any session we have ever had, may become the law of the land." After further debate by Mr. Cowan, Mr. Doolittle, Mr. Williams, Mr. Fowler, Mr. Saulsbury, Mr. Trumbull and Mr. McDougall, the Senate insisted on its amendment, and the bill was returned to the House.

In the House on the same day Mr. Wilson moved that the House concur in the Senate substitute, with an amendment providing: "That no person excluded from the privilege of holding office by said proposed amendment to the Constitution of the United States, shall be eligible as a member of a convention to frame a constitution for any of said rebel States, nor shall any such person vote for members of such convention."

Mr. Eldridge moved to lay the amendment on the table.—Yeas 27, nays 108. Mr. Eldridge moved that when the House adjourn it be to meet on Thursday—lost.—Yeas 27, nays 110. Mr. Finck moved that when the House adjourn it be to meet on Friday—lost.—Yeas 24, nays 111. After other dilatory action the House adjourned with an understanding that the vote should be taken on meeting the next day.

On the 20th Mr. Shellabarger moved to amend Mr. Wilson's amendment by adding: "That until the people of said rebel States shall be admitted to

representation in the Congress of the United States, any civil governments which may exist therein shall be deemed provisional only, and in all respects subject to the paramount authority of the United States, at any time to abolish, modify, control, or supercede the same. And in all elections to any office under such provisional governments, all persons shall be entitled to vote, and none others, who are entitled to vote under the provisions of the fifth section of this act; and no person shall be eligible to any office under any such provisional government who shall be disqualified from holding office under the provisions of the third article of said Constitutional amendment." The amendment was agreed to.—Yeas 99, nays 70. The question then recurred on concurring in the Senate substitute with Mr. Wilson's amendment as amended by Mr. Shellabarger, and it was agreed to.—Yeas 126, nays 46.

On the same day the Senate, on motion of Mr. Williams, proceeded to the consideration of the House amendment. Mr. Sherman said he was perfectly willing to agree to the amendment. Mr. Sumner thanked God that the other House had given the safeguards required. "For rebels back seats" until the great work of reconstruction was achieved. Mr. Stewart thought no man in the South had the least right to complain of the bill. "It frankly says to the country that we have a plan of reconstruction, an honest, independent plan, in

which all can see light, in which all can see justice, in which all can see mercy." He congratulated Mr. Sumner that he was willing to extend the right of suffrage, the ballot, to the great mass of the people of the South; that he was satisfied with having only a few of the leaders excluded from that blessed privilege. Mr. Sumner should insist upon greater safeguards than any that were supplied in that "very hasty and crude act of legislation." "I accept it," he said, "for what it is worth, as containing much that is good, some things infinitely good, but as coming far short of what a patriotic Congress ought to supply for the safety of the Republic."

Mr. Wilson said that grand as had been all the measures of patriotism and liberty, justice and humanity, he deemed that great measure the grandest of all the series of acts that had saved the Republic. He thought it was the highest duty of Congress to turn out every rebel who held office in the rebel States; but he had little faith in excluding men from suffrage. "I have fought," he said, "the battle of enfranchisement with all my heart. I believe in manhood suffrage for man, without distinction of color or race or property or education. I believe that the poorer a man is, the more he needs the ballot to protect himself and maintain his manhood in this democratic Republic. I am a democratic Democrat on suffrage and the rights of man. I have fought the battle of enfranchisement: I can never fight the battle of disfranchisement. It is



with the deepest regret that I consent as a necessity for a great purpose to disfranchise any human being even for a moment. I vote for this great measure heartily, but I should vote for it more joyously if no human being on earth was disfranchised by it."

Mr. Johnson said that every American heart should be animated by generosity, magnanimity and charity for the men engaged in the rebellion.

Mr. Hendricks thought experience had shown that the difficulty in the way of the adoption of the Constitutional amendment was that provision which required the Southern people to do what they considered a dishonorable act: the disqualification of their leaders. Mr. Buckalew thought the House amendment, instead of disfranchising six thousand, disqualified sixty thousand; and the sweeping and proscriptive character of the amendment, and the delusive character of the whole measure, made it an act of duty to vote against concurring in the amendments of the House.

Mr. Cowan had been uniformly against all projects. Exclusion meant "higher and higher in the direction of barbarism; higher and higher in the direction of stupidity, ignorance and folly; higher and higher in the direction of negroes instead of the more intelligent white men." Mr. Howe said that he had more than a year ago "tried to persuade the Senate that these organizations which had been manufactured mainly by the President of the United States, and were strutting in the character of State

governments, down between the Potomac and the Gulf, are illegal and unauthorized in point of law; and then I tried to persuade the Senate that they did not answer the purposes of a government at all since they did not furnish protection to life or liberty or property, which I understand to be the legitimate purposes of governments." Having declared that the rebel governments were both null in law and criminal in conduct, he said: "I think the legitimate conclusion is, that they ought to be passed aside, turned into the abyss of things which were; ought to be dispensed with altogether; that we ought not to employ them nor suffer them to be employed in the work of government. I would organize provisional governments in their stead; civil tribunals to some extent, responsible to the people."

Mr. Doolittle moved to amend the bill so as to provide, "that nothing in this act contained, shall be construed to disfranchise any persons in either of the said States, from voting or holding office, who have received pardon and amnesty in accordance with the Constitution and the laws." This amendment was advocated by Mr. Doolittle, Mr. Hendricks, Mr. Buckalew and Mr. McDougall, and opposed by Messrs. Edmunds, Stewart, Cragin and Sherman, and rejected.—Yeas 8, nays 33.

Mr. Henderson confessed he was not satisfied with the measure; reluctantly he came to its support; he might vote for it, but it had not his cor-

dial assent. Mr. Wilson then moved to amend the sixth section of the House amendment by adding: "And all offices now held under the assumed authority of the rebel State governments shall be vacated within ninety days after the passage of this act; and it shall be the duty of the commanding officer of each military district to enforce this provision." The amendment was rejected. On motion of Mr. Edmunds the yeas and nays were ordered and the Senate concurred in the House amendments.—Yeas 35, nays 7.

In the House, on the 2d of March, the message of the President was received, giving his reasons for not signing the bill. The House on motion of Mr. Stevens proceeded to the consideration of the question. Mr. Eldridge said: "The minority of this House are profoundly sensible that our official duty, the best interest of our common country would require us, if it were within our physical power, to defeat this bill; but we are equally conscious that no effort of ours can prevent its passage and the consequent accomplishment of what, as we think, it contemplates, a dissolution of the Union and the overthrow and abandonment of our Constitution of Government. We would most assuredly stop it if we could; but as we understand the views of the Speaker and the majority of this House of its rules, we have no power to resist their purposes and numbers. We can only, in the name of the Constitution, in the name of the Republic, in the name of

all we hold dear on earth, earnestly, solemnly, protest against this action of this Congress."

"As one member of this side of the House," said Mr. Le Blond, "believing as I do, and as I have expressed myself upon a former occasion, that the passage of this bill would be the death-knell of republican liberty upon this continent, I have but few words to say. I say to gentlemen upon the other side, and I say it plainly and frankly, that if I had assurance now that a sufficient number on this side of the House would stand with me until the end of this session to resist the passage of this bill, it never, never should become a law."

"For my own part," said Mr. Boyer, "I desire to say that I deem it my duty to employ all means within my power to defeat this bill; and I am willing to join those on this side of the House in order to effect that end by any legitimate means within our power."

Mr. Finck proposed now as he had done, "to stand firmly by the opponents of this measure, and aid by every legitimate and parliamentary effort which may be employed to defeat this monstrous scheme to subvert Constitutional Government in this country."

Mr. Stevens said: "I have listened with patience to gentlemen. I would not be discourteous to any of them, for I am aware of the melancholy feelings with which they are approaching this funeral of the nation. [Laughter.] I find there is difference of

opinion among the mourners to an extent which we cannot expect to harmonize. I do not desire to lose the opportunity to pass the bill at once and send it to the Senate, and to proceed to other matters."

On motion of Mr. Blaine the House suspended the rules and proceeded to vote on the passage of the bill; the objections of the President to the contrary. The Yeas were 135, the Nays were 48. The Speaker said on the question: "Will the House, on reconsideration, agree to the passage of an act to provide for the more efficient government of the rebel States, the objections of the President to the contrary notwithstanding—the yeas are 135, and the nays 48; so (two-thirds having voted in the affirmative,) the bill has again passed the House." This announcement was greeted with enthusiastic applause on the floor of the House and in the crowded galleries.

On the same day the message was read in the Senate. Mr. Johnson regretted that the President had felt himself compelled to withhold his signature to the bill, and he also regretted the tone which the message assumes in portions of it. He announced his purpose to vote for the measure, the objection of the President to the contrary notwithstanding. Mr. Saulsbury could not refrain from "the expression of the hope that there is no man, and that there may be no man within the limits of these ten States, who will participate in his own dis-

grace, degradation, and ruin; let them maintain their honor."

Mr. Hendricks said his judgment against it had been "fortified and strengthened by that able document." Mr. Buckalew and Mr. Davis replied to some of the points of Mr. Johnson's speech. The question was then taken on passing the bill over the President's veto, and it was so passed.—Yeas 38, nays 10. The President of the Senate then announced that the bill had become a law without the signature of the President; and the announcement was received with applause in the galleries.

## CHAPTER XVIII.

### TO FACILITATE RESTORATION.

Mr. Wilson's bill to facilitate Restoration.—Referred to Committee on the Judiciary.—Mr. Sumner's resolution.—Mr. Kelley's resolution.—Report of Mr. Wilson of Iowa.—Motion to recommit to the Committee on the Judiciary.—Passage of the Bill.—Senate—Speech of Mr. Trumbull, Mr. Drake, Mr. Fessenden.—Mr. Drake's amendment.—Speech of Mr. Wilson.—Mr. Fessenden's amendment.—Remarks of Mr. Wilson, Mr. Frelinghuysen, Mr. Nye.—Mr. Howe's amendment.—Mr. Howard's amendment.—Remarks of Mr. Morrill.—Mr. Sumner's amendment.—Mr. Norton's amendment.—Mr. Wilson's amendment.—Mr. Edmunds' amendment.—Mr. Howard's amendment.—Mr. Sumner's amendment.—Remarks of Mr. Sumner, Mr. Frelinghuysen, Mr. Stewart.—Passage of the Bill.—House—Remarks of Mr. Wilson.—House amendment considered in the Senate.—Remarks of Mr. Wilson, Mr. Johnson, Mr. Drake, Mr. Norton and Mr. Edmunds.—House—Committee of Conference.—Report concurred in.—The President's Veto.—Passage of the Bill.

IN the Senate on the 7th of March, 1867, Mr. Wilson of Massachusetts introduced a bill supplementary to an act entitled "An Act to provide for the more efficient government of the rebel States and to facilitate restoration," which was read twice and referred to the Committee on the Judiciary. This bill was intended to provide the machinery for carrying into effect the law for the more efficient government of the rebel States. When that law

was passed, it was admitted in both Houses of Congress that it was incomplete ; that further legislation would be necessary to put it in practical operation. To put the act to provide for the more efficient government of the rebel States into operation, and to facilitate the restoration of those States, the bill introduced by Mr. Wilson had been carefully prepared. It was drawn up in substance by Chief Justice Chase, modified and changed by Mr. Wilson in consultation with others. It provided, first :

“That the commanding general in each district defined by the act entitled ‘An act to provide for the more efficient government of the rebel States,’ should cause a registration to be made before the first day of September, in each county or parish in his district, of the male citizens twenty-one years of age and upwards, which registration should include only those persons qualified to vote for delegates by the ‘act to provide for the more efficient government of the rebel States,’ and who should have taken and subscribed the following oath or affirmation: ‘I, ———, of ———, in the county or parish of ———, in the State of ———, do hereby solemnly swear (or affirm) that I am sincerely and earnestly attached to the Union and government of the United States, that I will steadfastly support the Constitution and obey the laws of the United States, and that I will, to the best of my ability, engage all others to such support and obedience, so help me God.’



That whenever the registration should be completed, the commanding general should cause to be held in each State of his district, on a day not less than thirty days from the date of proclamation, an election of delegates to a convention for the purpose of amending the existing or framing a new constitution, and of firmly re-establishing a civil government loyal to the Union, and of passing all needful ordinances for putting the constitution and government into operation.

That the conventions provided for should be called on the basis of the representation of the house of representatives of each State.

That the commanding general of each district should appoint such loyal officers or persons as might be necessary to make the registration, to preside at the election, to receive, sort, and count, and to make return to him of the votes and of the persons elected as delegates; and upon receiving said returns he should ascertain the persons elected as delegates, and make proclamation, and within sixty days from the date of election notify the delegates to assemble to proceed to the organization of a convention; and when the convention should have amended the existing constitution or framed a new constitution in accordance with the 'Act to provide for the more efficient government of the rebel States,' said constitution should be submitted by the convention to the persons registered, at an elec-

tion to be held after the expiration of thirty days from date of notice given by the convention.

That if the said constitution should be ratified by a majority of the votes of the qualified electors, the president of the convention should transmit a copy, duly certified, to the President, who should transmit the same to Congress; and if the said constitution should be declared by Congress to be in conformity with the fifth section of the act entitled 'An act to provide for the more efficient government of the rebel States,' and the other provisions of said act should have been complied with, the State should be entitled to representation, and senators and representatives should be admitted therefrom.

That the duties imposed upon the commanding general of each district, and the powers conferred, might, with his consent, be performed by the acting governor of any State, who should take an oath or affirmation faithfully to keep and perform the same."

On the 7th, Mr. Sumner of Massachusetts introduced resolutions declaring certain farther guarantees required in the reconstruction of the rebel States. They declared that it was the duty of Congress to see that the existing governments should be vacated, so that rebels should have no agency in the work of reconstruction; that provisional governments should be constituted as temporary substitutes for the illegal governments; that loyalty beyond suspicion should be the basis of permanent

governments, republican in form; that public schools must be established for the equal good of all, and homesteads secured to the freedmen. Mr. Johnson of Maryland objected to the consideration of the resolutions at that time.

In the House of Representatives on the 7th, Mr. Kelley of Pennsylvania introduced a resolution instructing the Committee on the Judiciary to report a bill declaring who should call conventions for the reorganization of the rebel States, and providing for the registration of voters; and all elections for members of said conventions, or for the adoption or rejection of constitutions, or for the choice of public officers, until the constitutions of said States should have been approved by Congress, should be by ballot. The resolution was adopted.—Yeas 114, nays 33.

On the 11th, Mr. Sumner called up his resolutions declaring further guarantees required in the reconstruction of the rebel States, and Mr. Williams of Oregon moved their reference to the Committee on the Judiciary. After debate, in which Mr. Sumner, Mr. Fessenden, Mr. Trumbull, Mr. Dixon, Mr. Sherman, Mr. Johnson, Mr. Frelinghuysen and Mr. Howard participated, the Senate on motion of Mr. Frelinghuysen, by a vote of 36 to 10, ordered the resolutions to lie on the table. These resolutions were called up on the 12th, on motion of Mr. Morton of Indiana, and further debated by him and Mr. Howe of Wisconsin.

In the House of Representatives on the 11th, Mr. Wilson of Iowa, chairman of the Committee on the Judiciary, reported a bill "supplementary to an act entitled 'An act to provide for the more efficient government of the rebel States' passed March 2d, 1867, and to facilitate restoration." This was the bill, with some modifications, introduced in the Senate on the 7th by Mr. Wilson of Massachusetts. Mr. Wood of New York said the bill contained principles which no true Republican could assent to. It was an effort to take away all existing civil power in those States, and to give it entirely into the hands of the military governors.

Mr. Wilson replied that the bill did not conflict in the least with the act to provide for the more efficient government of the rebel States, passed by the 39th Congress. Instead of being a bill to fix upon the people of the rebel States a military government, it provided the machinery whereby the people of the rebel States might get from under the military governments already established. Mr. Blaine of Maine inquired if the bill was not designed expressly and unqualifiedly to give everybody entitled to vote an equal start in the election. Mr. Wilson replied that such certainly was the purpose of the bill. He said the bill was intended to come in aid of the legislation of the last Congress. The bill of the 2d of March was imperfect in its provisions, as it provided no machinery for carrying its provisions into effect. Mr. Wood inquired if the bill did not give the mili-

tary commander power to compel an organization. Mr. Wilson replied that it did compel the military commander to proceed with registration—compelled him to order an election for delegates, compelled him to provide for the holding of a constitutional convention, but the results of the labors of the convention were to be submitted to the vote of the people. Mr. Bingham suggested that the bill should be so amended as to require a majority of the votes given at an election instead of a majority of the votes registered.

Mr. Boutwell of Massachusetts, a member of the Committee on the Judiciary, objected to Mr. Bingham's amendment. The people of those States were disloyal to the government: a majority ought to be required to assent to the work done by the conventions. Mr. Wilson opposed Mr. Bingham's amendment. Mr. Marshall of Illinois, a member of the Committee on the Judiciary, said the bill for the more efficient government of the rebel States required only a majority of the votes given; this required a majority of the votes registered. He supposed the legislation of the last Congress was adopted after mature deliberation, and it looked like trifling to be changing ground every day upon a subject so vital to the interests of the whole country. Mr. Marshall said he had no doubt the majority in Congress would prefer the negro's to the white man's government; he could not give his vote for that or for any kindred measure. He regarded the whole

legislation as clearly unconstitutional, as establishing precedents which would lead to the subversion of the country. Mr. Wilson replied that on the question of power he should accept the determination of the 39th Congress. We were seeking by this legislation, merely to aid the people of the rebel States in the organization of governments which should secure the rights of all the citizens of the United States. Mr. Eldridge of Wisconsin could no more vote for the bill than he could have voted for the bill passed by the 39th Congress; the provisions of both bills were in open and flagrant violation of the Constitution, and a most wicked subversion of the liberties they were intended to secure. "These measures" he said "are to be enforced upon the Southern people for the purpose of building up a radical party there, a party that will support the measures and policy of this fanatical Congress.

Mr. Butler of Massachusetts desired to submit a motion to have the bill recommitted to the Committee on the Judiciary, with instructions to strike out the provisions requiring the military commanders to do the work in a given time. Some States were in a better condition than others, and he was opposed to the establishment of an iron rule which would enable some States to come back before they were in a proper condition to do so. Mr. Wood moved that the bill be laid upon the table.—Yeas 27, nays 115. Mr. Bingham's amendment requiring only a majority of the votes given instead of a

majority of the votes registered was then rejected. The previous question was then ordered on motion of Mr. Wilson, and the bill passed.—Yeas 117, nays 27.

The Senate on the 14th, on motion of Mr. Trumbull, proceeded to the consideration of the House bill to facilitate the restoration of the rebel States. Mr. Trumbull said that the Committee on the Judiciary had prepared an amendment as a substitute for the House bill. Mr. Drake of Missouri moved to amend the bill by inserting in the second section a provision requiring that the registered voters of each State should vote for or against a convention to form a constitution therefor under the act; that if a majority voted for the convention it should be held, but if a majority voted against a convention, it should not be held. He thought the provision in the bill which authorized the members elected to the convention to declare the wish of the people, unwise. He was in favor of having the people, instead of the delegates, express the wishes of the people of the State in regard to framing a constitution under the provisions of the act. Mr. Trumbull said the work of the convention itself when it was complete was to be passed upon by the registered voters, and unless a majority of the voters registered, whether they voted or not, were in favor of the constitution, it could not be adopted, therefore it could not be pretended that a government was to be forced upon any State. Mr. Drake expressed his surprise at the opposition of the chairman of the

committee. "I need not," he said, "tell that gentleman who has sat here so long in this Senate Chamber, and all through the period of the late rebellion, that in the States for which we are now proposing the means of forming constitutions there are men who will betray that people at any instant that it may subserve their own private interests to do so, and who might be elected as delegates to the convention with a pledge that they would go for the formation of a State government, and then under influences which might be brought to bear upon them turn round and defeat the will of the loyal people of those States. Sir, the history of the last six years in that southern region is but one continued history of treachery such as the world never saw."

Mr. Frelinghuysen did not see that the amendment was essential. The people of each State must trust their delegates to frame their constitution. The security was that a majority of all the votes registered must sanction it. Mr. Howard of Michigan was in favor of Mr. Drake's amendment; he was in favor of having the governments of the rebel States, when established, originate with the people, and receive the sanction of the people themselves. Mr. Fessenden had no objection to vote for the amendment if he could not obtain anything better. "I do not," he said, "want them to be at liberty to say in consequence of our action afterward they did not want to come back, that they did not mean to come back, that they preferred to be independent,



that they wished to have nothing to do with us, or that they desired to keep out and have as little to do with us as possible, as they may say if we take this course of proceeding. I do not want to have that lie in their mouths, that they wished to continue independent, but were not only invited back, but forced back by our action. Therefore, sir, my mode would be in this matter to provide that before any action whatever upon the subject of a convention to form a State constitution and establish a State government, there should be the registration that is provided for by this bill, complete and thorough, and that when that registration was perfected a copy of it should be placed in the hands of the provisional government of the State, which we have recognized as provisional government; and then when the provisional government, elected by the people of a State, by solemn act should express their desire for a convention of the people to frame a State constitution and a State government, the commanding general should proceed as directed by this bill, and take steps to see that a convention was called and that it was properly guarded, and that everybody had a right to vote, and then adopt if you please all the other provisions of this bill."

Mr. Doolittle thought there was a practical difficulty in the way of the adoption of the amendment. Mr. Morton was opposed to submitting the question of convention or no convention to the people of the rebel States. "Let the first election," he said, "be

held simply for the purpose of electing delegates to the convention, and if two-thirds of the people of those States choose to stand off upon their dignity or upon a hatred of this Government and refuse to take part in it, do not let it be in their power to defeat the work of the convention and prevent its being held."

Mr. Stewart of Nevada deemed the amendment unnecessary. He believed that the bill would consummate the work. He was glad to see Congress coming up to the work, and stating fairly and squarely its purposes. They dared not delay the work of reconstruction, and he was opposed to putting anything in the bill that should tend to delay.

Mr. Johnson of Maryland thought it was the duty of Congress and of the people of the States excluded, to bring those States back as soon as possible. He said "the amendment suggested by the honorable member from Missouri assumes as possible, and the honorable member from Maine supposes that it may be possible, that there is a majority in each one of those States or in some one of the States inimical to a restoration of their particular State into the Union. That, in my judgment, is a hostility if it exists, which should also be defeated. It is but another mode of accomplishing one of the designs which they had in inaugurating the rebellion, to escape from their obligation as States and as citizens of such States." The vote was then taken on Mr. Drake's amendment and it was rejected.—Yeas 17, nays 27.

Mr. Drake then moved to amend the fourth section by adding that no constitution should entitle the State to representation unless it provided that at all elections the electors should vote by closed ballot, and that such mode of voting should never be changed without the consent of Congress. "I propose," said Mr. Drake, "that those poor men shall speak the voice of that region. I propose that no more aristocracies shall lay down the law for the majority of that people. Sir, we cannot accomplish it in any other way than by guarding the right of the voter there in the closed ballot, and guarding it so that it shall never be taken away from him."

Mr. Trumbull opposed the amendment. "I never," he said, "believed much in that kind of secrecy that withholds from the people the facts. I want to see every man an independent voter, not sneaking to the polls and hiding his expression in a secret ballot. I confide in the open, independent voter who goes to the polls and tells how he votes." Mr. Fessenden said he should vote against the amendment, not that he was opposed to the ballot, for he should be willing to take any precautions to secure it, but for the reason that he was opposed to making a constitution for a State. He preferred to leave all questions open for consideration when the constitutions were submitted for examination. Mr. Conkling of New York denied the authority under the decision of the Supreme Court to pass

the amendment, and he doubted whether a perpetual provision in a constitution, if it could be embodied in it, that voting should always be by ballot and never otherwise, would tend to the security of any one or any thing. Mr. Wilson of Massachusetts was for the ballot, and trusted those States in their new constitutions would adopt it, but he did not wish to make voting by ballot a condition precedent to restoration. He feared the people there and their friends everywhere, would think they were seeking new grounds of difference, rather than a reasonable plan of adjustment. Mr. Wilson said that "from all sections of the rebel States comes the intelligence that masses of the people lately in rebellion are ready to accept the conditions imposed by the nation and to comply with the terms which the nation, in the plenitude of its power, exacts. To carry into effect the act for the more efficient government of the rebel States, and to facilitate the restoration of these States to their practical relations with the Government, I introduced this bill on the 7th day of March. It was carefully drawn, and received the sanction of gentlemen of talent and character. On the 9th it was taken up by the Judiciary Committee of the Senate, and its leading features received the unanimous support of the committee. On the same day it was taken up by the Judiciary Committee of the House of Representatives and amended in some of its details; reported to the House on the 11th, and on the same

day it passed the House. On the 13th this bill comes back from the Senate Committee on the Judiciary with the pending amendment in the nature of a substitute, the House bill and the substitute of the committee being in form and substance, in purpose and in name, the bill introduced by me on the 7th of the month."

Mr. Wilson said that there were thousands of earnest men who went into the rebellion or were dragged into it, who confessed their mistake, accepted the policy of freedom and enfranchisement, who would stand upon their platform and fight their battles in the conflicts of the future. He wanted to see those men, the six hundred thousand enfranchised freedmen, and the ever-loyal men of the South banded together. He would treat them with generous confidence, and not meet their proffered support with averted faces, and continued distrust and reproaches. "I believe," he said, "that the hour has come when the victors in the great conflict through which the nation has passed and is passing should strive by generous words and deeds to convince their countrymen lately in armed rebellion against their native land, that we embrace in our affection the whole country and the people of the whole country, and that we would forgive, forget, and unite."

Mr. Doolittle maintained that it was unconstitutional to impose any such condition upon any State. Mr. Morton suggested that the clause stating that

it should never be changed should be omitted. He did not believe that Congress had a right to lay any perpetual obligation upon an incoming State. If that change was made, he should vote for the amendment. Mr. Henderson deemed the amendment unconstitutional and inexpedient. Mr. Buckalew thought the advantages of vote by ballot had been over-estimated in the United States and abroad. Mr. Corbett of Oregon felt it his duty to vote against the amendment, believing it would not accomplish the objects desired.

On the 15th the Senate resumed the consideration of the bill, and Mr. Drake modified his amendment and it was rejected without a division. Mr. Fessenden then moved to amend the bill so as to provide that the commanding General should furnish a copy of the registration to the Provisional Governor of the State, and that whenever the Provisional government of the State should by legal enactment provide that a convention should be called, the commanding General should then direct the election of delegates. Mr. Trumbull opposed the amendment; he was not for continuing the loyal people of those States under the disloyal governments. Those governments were got up by the rebel element and were under the control of the rebel element. He was unwilling that those governments which had been declared illegal should determine the question of holding conventions. The whole object of the bill was to afford facilities to

the people to give expression to their opinion. In reply Mr. Fessenden said that the governments had been declared illegal as State governments, but they had been legalized as provisional governments. Those provisional governments represented the people, or they would soon do so. He wished to leave to the men who formed those State governments, to decide whether or not they wished to frame State constitutions and come back to the Union. Mr. Henderson felt constrained to vote against the amendment. The reconstruction bill of the last session only required that the constitution should be ratified by a majority of the persons voting; this bill required not only a majority of those who saw fit to vote, but a majority of all the voters registered. Mr. Fessenden inquired whether we could with propriety depart from the provisions of the original act. "We agreed," said Mr. Fessenden, "and stated to them that if they would adopt certain provisions in a certain way, they would be received on the terms specified. Ought we now to make a departure from what we originally proposed? My friend from Massachusetts, who originally introduced this bill, thinks the bill weakened by that change, and that it ought not to be adopted."

Mr. Henderson replied that he thought the departure from the original bill might be for the worse. He should vote against the amendment proposed by Mr. Fessenden, at least until it was determined

that a full majority of the registered voters should be required for the ratification. Mr. Stewart thought the amendment would amount to a practical obstruction. It took from the people who were allowed to vote and to register, the right to determine the question of restoration. It placed it in the power of the President, acting in harmony with the rebel leaders, to obstruct the Congressional plan. It said in substance to the leading rebels, "you shall not be restored, but you may decide when others shall be restored." The practical operation of the amendment would be to place loyal people under subjection to the rebels. Mr. Howard of Michigan declared his intention to vote for the amendment. He was for taking every precaution to obtain a free and full expression of the Southern communities upon the great fundamental and elementary question of returning peacefully into the Union. He was in no haste for their return. "They took their own time," he said, "to get out of the Union, let them take their own time to return. They took their own time to initiate the war, we took our own time to close the war." Mr. Stewart would inquire how the voice of a majority could be heard when you say it should not be heard unless the rebels would let them speak. Mr. Howard replied that the present members of the rebel legislatures would not remain in office for life; a majority of the legal voters would revolutionize the rebel governments and their voices become potential



Mr. Wilson said the President of the United States had permitted the rebels to use the machinery of their old State governments, shut out two-fifths of their population from any rights whatever, and take control of those States. Congress had dictated the complete terms and conditions of restoration. Congress had clothed colored men with the right of suffrage, and they were majorities in several States. He had intended when he introduced this plan of restoration, to put aside the rebel leaders, the rebel governors and legislatures, to make them take "back seats," and to bring the loyal men, white and black, into the front seats. "That is," he said, "the original bill, and that is its purpose. With the exercise of practical judgment, with good organization, scattering the great truth and the facts before the people, a majority of these States will within a twelvemonth send here Senators and Representatives who think as we think, and speak as we speak, and vote as we vote, and will give their electoral votes for whoever we nominate as candidate for President in 1868. These rebel States are ours if we will accept them. Do Senators desire to repel them?

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Do you distrust these black men who were true to us all through the war? They are as sure to vote for the cause of liberty, justice, and their country as they were to fight for their country in the war. Yet we are higgling about giving them the

opportunity to vote after we have decided that they shall possess the right to vote."

Mr. Nye of Nevada did not fully sympathize with the views expressed by Mr. Wilson; he was in no hurry to have the rebels come back. He was not unmindful of the importance of the settlement of the question of reconstruction, but the highest consideration was safety to the institutions for which they had given so much blood and treasure. He did not believe that a rebel could ever be made loyal; a conquered rebel was always rebellious. He would not keep the newly-enfranchised citizens from tasting the sweets of the power of the government, but he would guard them against being cheated and deceived. "In this hurry," he said, "this avalanche of coming States, I tell you, in my judgment, lies the greatest danger of the hour. If we are to take poison, let us take it in small doses, a little at a time; do not give us a fatal dose at once. These eleven rebellious States, coming as the wind comes, into these Halls of Congress, will shake the foundation upon which the Senate stands, even in Massachusetts."

Mr. Morton of Indiana could not vote for the amendment. It was deliberately proposed to put into the hands of the State governments, the determination of the whole question of reconstruction. He would tell the Senator from Nevada where lay the danger of the hour. It was in permitting the impression to go abroad that the great Union

party was opposed to reconstruction. "Whenever," said Mr. Morton, "that impression shall fasten itself upon the minds of the people of this country, we shall go into a minority. The success of the Union party, in my opinion, depends upon speedy and successful reconstruction; and if we are able to go into the canvass of 1868, and have inscribed upon our banner 'the rebellion suppressed, the Union restored, equal rights and liberty secured to all,' there can be no successful opposition made to us, but we shall sweep every northern State, and perhaps some southern States, according to the prediction of the Senator from Massachusetts."

Mr. Wilson said, "the Senator from Nevada tells us that we seem to be influenced in our action by the necessities of the rebels. When and how have we been influenced by the necessities of the rebels? We put down their rebellion with the hand of war after more than six hundred bloody contests. We have moved steadily onward by legislation and constitutional amendments until we have crowned all by requiring as an unalterable condition that the rebels shall accept our ideas, principles, and measures, and complete the work of our hands."

Mr. Wilson said that Mr. Nye was willing to vote for an amendment that put reconstruction and restoration into the keeping of rebel legislatures. He did not want rebel legislatures to use the commanding power of their organizations to obtain the controlling influence in the constitutional conventions.

Mr. Frelinghuysen of New Jersey took it for granted that the object of the reconstruction measure was the admission, not the exclusion of the rebel States. The pending bill made ample provision to ascertain the will of the people, but if the amendment should be adopted they could not get at the will of the people. The country was in no danger, it was safe in the hands of the people who own it and love it. He wanted to extend the franchise, and let it be enjoyed by all in those ten rebel States. "The war being ended," said Mr. Frelinghuysen, "the Constitution being vindicated, let us have harmony and peace, not by the sacrifice of any principle, but by obtaining all that Radicals or radical Radicals ever asked."

Mr. Drake felt constrained to vote against the amendment moved by Mr. Fessenden. "In voting," said Mr. Sumner, "on the proposition of the Senator from Maine, I ask myself one question: how would the Union men of the South vote, if they had the privilege, on the proposition now before us? They are unrepresented. We here ought to be the representatives of the unrepresented. How, then, would the Union men of the South vote on the proposition of the Senator from Maine? I cannot doubt that with one voice they would vote no. They would say that they would not trust their fortunes in any way to the existing governments of the rebel States. Mr. Fessenden's amendment was then rejected;—Yeas 14, nays 33.

On the 16th, the Senate resumed the consideration of the supplementary reconstruction bill. Mr. Howe of Wisconsin moved to amend the bill so that it would entitle the State to "all the prerogatives of a State," instead of to "representation." This amendment was opposed by Mr. Trumbull, Mr. Henderson, Mr. Frelinghuysen, Mr. Howard and Mr. Conkling, and rejected without a division. Mr. Howard then moved to strike out the form of the oath in the bill, and insert as an amendment an oath reciting all the requirements contained in the act for the better government of the rebel States, and to add to it that every person swearing falsely should be deemed guilty of perjury, and on conviction be punished as provided by law. Mr. Trumbull trusted that the Senate would not adopt that long oath. Mr. Sumner thought it was important that in the oath there should be a precise enumeration set forth of the obligations assumed by the party taking it.

Mr. Tipton of Nebraska would vote for the bill without Mr. Howard's amendment, but he should regret to be required to vote for it without that amendment. At the suggestion of Mr. Morton of Indiana, Mr. Howard modified his amendment by striking out so much of the oath as required that they are sincerely and earnestly attached to the government of the United States. Mr. Frelinghuysen thought there was no necessity of adopting as an amendment the form of oath proposed by Mr.

Howard. Mr. Sherman opposed the amendment. Mr. Conkling of New York thought the amendment wise, and hoped it would be adopted. Mr. Morrill of Maine maintained that the legal effect of the oath in the bill and the oath proposed by Mr. Howard was the same; the object was the same and the result was the same. All who favor the oath in the bill, could not have any well-grounded objection to the oath proposed by the Senator from Michigan. Mr. Wilson said it was a question originally, whether it was best to have any oath at all or not. The primary object of the oath was this;—"we have nearly seven hundred thousand new voters of an emancipated race; there is a great deal of hostility in some quarters to their voting, and it was supposed that requiring an oath of every elector that he would obey the laws, the laws of the United States giving these men the right to vote, we would prevent his disobeying the laws, or by violence or any other acts driving these people from the polls." The vote was then taken on Mr. Howard's amendment, and it was rejected.—Yeas 18, nays 19.

Mr. Sumner then moved, in section four to insert the words "and registered," after the word "qualified," so that it would read, "that the constitution shall be ratified by a majority of the voters qualified and registered." The amendment was opposed by Mr. Johnson. He thought that the effect of the bill might be that a few whites who desired to keep the States under military rule, acting under a belief

that if the States were restored, their influence would be diminished, might be able to persuade the negroes that they would fail to enjoy their rights in a State Government

Mr. Wilson was constrained to vote against the amendment. It was the intention of the original bill that a majority of the votes given should determine the result. He believed the section as it now stood, meant a majority of the votes given on the question, and he had no doubt that would be the judicial decision. The only effect of the amendment would be, to postpone the admission of those States. "I deem it," he said, "to be the crowning act, the grandest act we can perform, to bring these States in, to restore them to their practical relations at the earliest day on the principles, terms, and conditions we have imposed, for these principles, terms, and conditions are sanctioned by patriotism, liberty, and justice. The sooner these ten rebel States incorporate into their constitutions these principles, terms, and conditions, the sooner these States accept the policy of the equality of man, the better for all."

Mr. Wilson maintained that the enfranchisement of seven hundred thousand freedmen changed the face of affairs in the South, made those States friends of the country, of liberty, and of the Republican policy, and that ninety-nine out of every hundred of those black men would vote as they fought, for the country, for freedom, for emancipation, for civil rights, for enfranchisement, for elevation, for improve-

ment. He wanted to meet the friends of the country in the South with the warm grasp of the hand, and not smite them in the face and send them back. Mr. Nye maintained that a majority of the registered vote was essential upon the question whether they should have a convention or not, or upon the question whether the constitution which was framed should be adopted or not. He wanted to caution Mr. Wilson against extending his Christian charity too far towards these men. "We have," said Mr. Nye, "a high example of the manner in which rebels were treated by Divine power. When the arch-rebel was convicted before a tribunal that unmasked rebellion to its nakedness, he was thrown over the battlement, kicked out, and he has never returned to disturb the peaceful reign of Him who reigns over all. Here my friend, reversing that great and divine example, says he wants to hug them at once—to reach out his hands for them. It is simply a matter of taste, in which I do not share with the honorable Senator from Massachusetts."

"I remind," replied Mr. Wilson, "the Senator from Nevada that this nation has been engaged in a mighty contest of ideas, a bloody struggle, in which all the passions of the people of the South and of the North have been aroused. That bloody struggle is ended, that contest of ideas is closed. Patriotism, humanity, and Christianity bid us of the North and of the South subdue, hush, and calm the passions engendered by the terrific conflicts through



which we have passed, and to call the dews of blessing, not the bolts of cursing, down upon each other. We should remember the words of one of our own poets of freedom and humanity—

“Always he who most forgiveth  
In his brother, is most just.”

Whatever the champions of the lost cause in the South may do, we of the North, whose cause is triumphant in the fields of war and of peace, should appeal not to the passions and prejudices and hatreds of the people, but to the heart and conscience and reason. Unreasoning passion may applaud violent appeals to-day, but unclouded reason will utter its voice of condemnation to-morrow.

The honorable Senator from Nevada is pleased to tell me that I am anxious to welcome rebels here. I do not propose to welcome rebels here ; but I do desire to welcome tried and true men of the South, the representatives of the seven hundred thousand enfranchised black men, the ever loyal white men of the South, and the men compromised by the rebellion whose affections are again given to their native land, and who would now peril their lives for the unity of the Republic and the triumph of the old flag.”

Mr. Fowler of Tennessee was of opinion that a majority of those who were registered would be sure to go to the polls. He thought there would be a violent contest in every one of those States, and

he believed those in favor of reconstruction would triumph.

The debate was further continued by Mr. Nye and Mr. Wilson, and the vote was then taken on Mr. Sumner's amendment, and it was rejected.—Yeas 19, nays 25. Mr. Morton of Indiana then moved to amend the bill so that a majority of the votes given on the question of ratification should determine the result. Mr. Trumbull expressed himself in favor of the principle involved in the amendment. Mr. Howard said he was opposed to the establishment of State governments in the rebel States, unless it was perfectly clear that the votes of a majority of the voting population had been given upon the great question of organizing State governments and returning to the Union. He wished to base the new governments upon the principle that a majority of the voting population demanded them. In reply, Mr. Morton said: "This is simply a question whether the stay-at-homes, political sluggards, sullen rebels, men who never take any interest in an election, and never go to an election, can defeat the work of reconstruction, defeat the will of the majority who do go to an election and take an interest in reconstruction and want the work to go forward."

Mr. Conkling of New York expressed his dissent from the prevailing idea that safeguards and proprieties should be disregarded to bring in Representatives a little sooner than might otherwise be done.

"My belief is," said Mr. Conkling, "that we part with the sheet-anchor upon which this whole question depends; that we come to a 'lame and impotent conclusion' in the legislative struggle in which we have been engaged for the last year, when we put in the hands of a minority, no matter how small, in every State, in the first place to pass conclusively upon the question whether a convention shall be called or not, and secondly, upon the question whether the will of that convention, as embodied in the organic law, shall become irreversible law as to the whole community which they profess to represent."

"I am in earnest," said Mr. Morton, "about this work of reconstruction. I want it to go forward; and as I am a true Republican, and I believe the salvation of this country depends upon the maintenance of that party in power, I am in favor of speedy and successful reconstruction for the preservation and the continued power of the Republican party."

Mr. Howard replied that it was in vain to expect peace and tranquillity under ephemeral, farcical governments, established without the assent of a majority of the registered voters of those States; that such governments depending upon a minority could not be sustained even by military force, and would become a disgrace to the nation and to the name of Republicanism. On motion of Mr. Sumner, the yeas and nays were taken on Mr. Mor-

ton's amendment, and it was agreed to.—Yeas 22, nays 21.

Mr. Edmunds of Vermont then moved to so amend the bill that it should require that three-fifths of all the registered voters should vote on the question of ratification. Mr. Edmunds thought it right to require that at least three-fifths of the registered voters should vote one way or the other. Mr. Trumbull said it was manifest that under the amendment of the Senator from Vermont, all that was necessary to defeat the proposition was for those who were opposed to it not to go to the polls. Two-fifths of the registered voters by staying at home could defeat the Constitution. Mr. Sherman thought the amendment a wise one. "No man," he said, "will take the oath prescribed by the first section of this bill, and have his name registered, unless he intends to participate in framing and forming the constitution." Mr. Trumbull asked if it was possible that a proposition could be right that allowed two-fifths, by staying away from the polls, to defeat a constitution which they could not defeat by voting every one of them against it. "If these people," replied Mr. Sherman, "are going to lay back in their position of quiet rebellion and resist all the movements we are now providing for them, all this machinery that we are now proposing to employ for their advantage, let them stay there, and stay there forever if they will."

After further debate by Mr. Morton, Mr. Sher-

man, Mr. Hendricks and Mr. Edmunds, the question was taken on the amendment, and it was rejected.—Yeas 19, nays 21. Mr. Edmunds then moved so to amend the bill as to require that a majority of the votes registered should be cast on the question of ratification. Mr. Trumbull was unwilling to sanction a principle that made the vote of a man who staid at home count more than that of one who went to the polls. Mr. Conness believed the loyal men, black and white, in the South who were in favor of reconstruction, would be registered and would be sure to vote. He would trust those men with reconstruction, but he was not willing to put it in the power of those who were for the rebellion to prevent reconstruction. Mr. Tipton of Nebraska said: "For four years we have done without the representatives of disloyalty in this Chamber; for four years more we can do without the aid of the disloyal in authorizing States at the South; and loyal white men and loyal black men who have lately sustained the flag of the country, will come to our aid in this matter. I am not willing that the disloyal, by any classification, by any mathematical calculation, shall be permitted to stay at home and assist in defeating the will of the loyal men of the North."

Mr. Edmunds' amendment was then agreed to.—Yeas 24, nays 14. It was then moved by Mr. Buckalew that the bill be so amended as to authorize the registering officers to administer oaths to

those who desired to be registered, and to examine them touching their electoral qualifications. This amendment was opposed by Mr. Trumbull and rejected without a division.

It was then moved by Mr. Corbett of Oregon that the bill be so amended as to require thirty days' notice previous to registration, and books of registry should be kept open thirty days previous to an election. The amendment was briefly advocated by Mr. Morton and Mr. Howard, and agreed to.—Yeas 25, nays 13. On motion of Mr. Sherman the vote adopting the amendment was reconsidered. Mr. Trumbull said it was impossible to execute the bill if that amendment was embodied in it. Mr. Sherman moved to amend Mr. Corbett's amendment so as simply to require that thirty days' notice of registration should be given, leaving the mode of notice to the commanding General. Mr. Corbett's amendment was further supported by Mr. Howard and Mr. Corbett, and opposed by Mr. Wilson and Mr. Trumbull, and rejected without a division. Mr. Nye then moved that the registration should be completed twenty days previous to the day of voting, and that three copies of the completed registry should be posted in each voting precinct. The amendment was opposed by Mr. Trumbull and rejected.

It was then moved by Mr. Wilson to amend the bill by adding a section providing that the duties imposed upon the commanding General of each district, might with his consent be performed by the

acting Governor of any State, who should take an oath to perform the same, and to take and subscribe the oath prescribed by the act approved July 2d, 1862, entitled "An act to prescribe an oath of office." Mr. Wilson said we had governors in Virginia, Arkansas, and Louisiana who could take the iron-clad oath. They were the only governors who could take that oath, and the assent of the commanders of the district must be obtained before they could perform the duties. This provision was in the original bill he had introduced, but was stricken out by the Committee on the Judiciary in the House of Representatives. Some of the most earnest men of those States were in favor of such a provision before the bill was brought into either House. "I have," said Mr. Conness, "three objections to this amendment. One is that it will destroy in the respect to which it applies, or is proposed to apply, the uniformity of the plan, making different sources of authority to put the scheme in operation. Another is that it will enable, if adopted, military commanders who have a desire to do that to shuffle off from themselves the responsibility of putting it into operation. The third is that I would sooner trust either of the military commanders who have been named in these States than I would either of the so-called loyal Governors."

Mr. Drake then moved to amend the bill so that at the election of delegates a vote should be taken for or against a convention, and if a majority of the

votes given should be for a convention then a convention should be held, but if the majority should be against a convention, then it should not be held. After debate in which Mr. Drake, Mr. Conkling, Mr. Trumbull, Mr. Wilson, Mr. Hendricks, Mr. Howe and Mr. Cragin participated, Mr. Drake's amendment was agreed to. Mr. Conkling of New York moved a reconsideration of the vote adopting Mr. Drake's amendment, with a view so to amend it as to require that a majority of the votes registered shall be for a convention, instead of a majority of the votes given at the election. Mr. Sumner was for founding these governments on a majority of the votes registered. He saw no security for the future unless that safeguard was set up. The vote was then taken on Mr. Conkling's motion to reconsider the vote adopting Mr. Drake's amendment, and it was agreed to.—Yeas 21, nays 18.

Mr. Conkling then moved so to amend Mr. Drake's amendment as to require a majority of all the votes registered, instead of a majority of all the votes given, for the convention. The amendment was advocated by Mr. Fessenden, opposed by Mr. Trumbull, Mr. Morton, Mr. Drake and Mr. Williams, and rejected.—Yeas 17, nays 22. Mr. Drake's amendment was then agreed to. Mr. Edmunds then moved so to amend the bill that the convention should not be held unless a majority of the registered voters should have voted on the question of holding such convention. After debate in which Mr. Trumbull, Mr. Edmunds and Mr. Howard took part, Mr.



Edmunds' amendment was agreed to.—Yeas 21, nays 18. Mr. Howard then moved to amend the bill by striking out the oath and inserting another, reciting the qualifications necessary for a voter under the act, and the amendment was agreed to.—Yeas 26, nays 15.

Mr. Drake then moved to amend the bill so as to provide that no constitution should entitle a State to representation unless it provided that the electors should vote by ballot; the amendment was agreed to.—Yeas 22, nays 19. Mr. Trumbull then moved to reconsider the vote adopting Mr. Drake's amendment. Mr. Trumbull, Mr. Williams, Mr. Stewart and Mr. Morton spoke for reconsideration, and Mr. Yates and Mr. Sumner opposed it. It was then reconsidered without a division. Mr. Drake then modified his amendment and it was rejected.—Yeas 17, nays 22. Mr. Sumner then moved to amend the bill so as to provide that the constitution should require the legislature to establish and maintain a system of public schools, open to all without distinction of race or color. Mr. Sumner said he should vote for the bill because it was all that Congress was disposed to enact at that time. He confessed his regret that Congress chose to employ the military power for purposes of reconstruction. "By the system which you have adopted," said Mr. Sumner, "the civil is subordinate to the military, and the civilian yields to the soldier. You accord to the army an 'initiative' which I would assure to the civil power.

I regret this. I am unwilling that reconstruction should have a military 'initiative.' I would not see new States born of the bayonet.

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For a military occupation, bristling with bayonets, I would substitute the smile of peace. But this cannot be done without education. As the soldier disappears, his place must be supplied by the school-master. The muster roll must be exchanged for the school register, and our headquarters must be in a school-house."

Mr. Frelinghuysen protested against the declaration of Mr. Sumner that States were about to be born of the bayonet. "We have" said Mr. Frelinghuysen, "been engaged here for weeks in adopting measures for the reconstruction of the rebel States, and if the vote of the distinguished Senator was not secured, he failed to vote or speak against this proceeding; and now, when the work is about consummated, late on Saturday night, and when we are about to take the final vote and to adjourn, he with all the power of his influence gives it out to the world that we are establishing States that are to be born of the bayonet. No, sir; no. The constituents of these States are as free to form constitutions or not to form them as any community that ever existed, and I for one will not submit to be charged with being a party to the formation of States by the bayonet."

Mr. Stewart of Nevada said he expected to vote

for the bill, and it was very unpleasant on every occasion to hear it branded as a bad measure. If any gentleman considered it a bad bill, an enormity, a violation of republican principles, let him vote against it. A Senator who meant to vote for a bill, ought not to speak of it in that way, and seek to get credit before the country of having advocated some things higher and better than the Senate was willing to adopt. If the Senator from Massachusetts voted against the bill he took no responsibility, but if the Senator was for the bill, was it fair to send Senators before the country branded as voting for a bill to create governments born of the bayonet. He did not want that admission to bind him, for at each step of the process the Southern people had an opportunity to vote fairly and freely, and he intended to deny, when it came from the Copperheads at the coming elections, that the State governments were born of the bayonet. Mr. Morton intended to vote for the amendment, as he regarded it as a fundamental condition. The education of the Southern people was essential to reconstruction.

"I shall" said Mr. Conness, "content myself with voting against this amendment proposed, without giving the reason why at this hour; but since the bill before the Senate for which I intend to vote has been arraigned here as a provision for producing States to be born of the bayonet, and as I in part represent a State which was literally born of a military order, not of the bayonet, though perhaps as

much born of the bayonet as any of the States which will be organized under this act and the act to which it is supplementary, will be so born) the accusation or denunciation comes home to me. The civil government of the State of California was the product of a military order; and it is not now less free, it is not less generous, it is not less courageous, it is not less patriotic for that reason." The debate was further continued by Mr. Hendricks, Mr. Sumner, Mr. Cole and Mr. Buckalew. The question was then taken on the amendment, and it was rejected.—Yeas 20, nays 20.

All of the House bill after the enacting clause was stricken out, and the amendment reported by the Judiciary Committee and amended by the Senate, was agreed to without a division. On motion of Mr. Wilson the yeas and nays were then taken on the passage of the bill, and it was passed.—Yeas 38, nays 2.

The House of Representatives, on the 18th, proceeded to the consideration of the bill. Mr. Wilson of Iowa, chairman of the Committee on the Judiciary, said he was directed by the committee to concur in the amendments of the Senate with amendments. He then moved to amend the oath by adding: "That I have never been a member of any State Legislature, nor held any executive or judicial office in any State, and afterward engaged in insurrection or rebellion against the United States or given aid or comfort to the enemies thereof"

Mr. Stevens said that the State of Virginia in 1849, in anticipation of the rebellion, repealed all laws requiring the oath of allegiance to the United States, and he asked if this amendment was not intended to supply that defect. Mr. Wilson replied that that was the purpose of the amendment. The amendment was then agreed to. It was then moved by Mr. Wilson to amend the bill by striking out that provision requiring that one-half of the registered voters should vote upon the question of ratification. Mr. Wilson said the object was to restore that provision of the bill to the same condition in which it went to the Senate. The House provision required that the constitution should be ratified by a majority of the registered voters. The amendment was agreed to.—Yeas 98, nays 29. Mr. Wilson then moved to amend the sixth section of the Senate amendment so as to provide that any person who should knowingly and falsely take any oath prescribed in the act, should be subject to the pains, penalties, and disabilities of wilful and corrupt perjury. The Senate amendment as amended by the House was agreed to.

The Senate on the 18th proceeded to the consideration of the amendments of the House to the amendment of the Senate, and the first amendment making an addition to the oath was concurred in. The second amendment requiring a majority of all the registered voters to adopt a constitution was then considered. Mr. Trumbull said that the Com-

mittee on the Judiciary had originally reported the bill in that form, but the discussion had satisfied him that its adoption would not be in favor of the policy of reconstruction. Mr. Sherman agreed with Mr. Trumbull as to the propriety of the modification made by the House, but if the constitution fairly represented the will of the people, Congress could waive the condition. Mr. Sumner hoped there would be no understanding that hereafter we were to waive what we now required. Mr. Willey of West Virginia thought the amendment settled the question of reconstruction by leaving the States as they were. Under that proposition the secession element in the South, those who want no reconstruction, those who want to keep the Union element in the South still under their feet and the ban of their oppression, could accomplish it simply by non-action, and they would do it. He said, "the bill, if passed as it is, settles the question, not of reconstruction, but of non-reconstruction. You will have no practical relations restored to the governments of the Southern States under the operation of this bill." Mr. Wilson thought the amendment was in the interest of those who were opposed to reconstruction on the terms and conditions of Congress. The measure was introduced to carry into effect the act of the last Congress in favor of reconstruction.

"We know," said Mr. Wilson, "that this measure was proposed by the friends of the country and of

the equal rights of all men, the friends of enfranchising the black man and of weaponing his hand for defense ; the friends of taking the governments of these rebel States out of the hands of their rebel possessors, and giving the whole people, including the seven hundred thousand enfranchised black men, the right to reconstruct their own local governments, and to fill those governments with truly loyal men.

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The proposition is the most extraordinary proposition that ever emanated from a body of practical or sensible men. It is a proposition to enable the rebel leaders to take advantage of all the persons who are hostile to these terms and all the persons who cannot go to the polls to vote."

Mr. Johnson concurred with Mr. Wilson in thinking that if the amendment was sanctioned the whole measure would be defeated. He thought if the bill passed in the form in which it passed the Senate, it would be accepted. Mr. Drake expressed the opinion that the amendment of the House of Representatives would be a fatal obstacle in several of the Southern States, to the whole plan of reconstruction. Mr. Morton entered his protest against this amendment made by the House of Representatives. He agreed entirely in the declaration that the amendment was in the interest of rebels who were opposed to reconstruction. The debate was continued by Mr. Saulsbury, Mr. Wilson and Mr.

Edmunds, and the question was then taken on concurring in the amendment, and it was non-concurred in.—Yeas 21, nays 24. The Senate then concurred in the House amendment providing a punishment for any person who should falsely and knowingly take any oath prescribed in the bill.

In the House on the 19th the bill was taken up, and Mr. Wilson moved that the House insist on its amendments and request a committee of conference. Mr. Bingham of Ohio moved that the House recede from its amendments, but the motion was lost.—Yeas 62, nays 78. The House then insisted on its amendments, asked a committee of conference, and Mr. Wilson of Iowa, Mr. Boutwell of Massachusetts and Mr. Marshall of Illinois were appointed conferees on the part of the House.

The Senate, on motion of Mr. Trumbull, insisted on its amendments and agreed to the committee of conference, and Mr. Trumbull, Mr. Wilson and Mr. Buckalew were appointed conferees on the part of the Senate.

In the House on the same day, Mr. Wilson of Iowa, from the committee of conference on the part of the House, reported that the Senate recede from its disagreement to the second amendment of the House and agree to the same; that the House recede from its amendment to the third amendment of the Senate, and agree to the same with the following amendment, providing that "if it shall moreover appear to Congress that the election was



one at which all the registered and qualified voters in the State had an opportunity to vote freely and without restraint, fear, or the influence of fraud, and if Congress shall be satisfied that such constitution meets the approval of a majority of all the qualified electors in the State, and that the Senate agree to the same." Mr. Wilson said the effect of the amendment was, that after the ratification of the constitution by the electors, Congress should have the power to declare whether that election was a fair one and whether the constitution met the approval of a majority of the electors of the State.

Mr. Williams of Pennsylvania desired to know whether the effect of this surrender on the part of the House was not to take the opinion of Congress rather than the evidence of the record of the votes. Mr. Stevens said that when the bill went to the committee of conference it required a majority of the registered voters, but when it came back from the committee it required only a majority of those who voted. Mr. Marshall had signed the report of the committee for the reason that he preferred the plan adopted by the committee to that proposed by the House. Mr. Eldridge of Wisconsin moved that the report of the committee be laid upon the table, but the motion was lost.—Yeas 26, nays 101. The report of the committee of conference was then agreed to.

In the Senate, Mr. Trumbull from the committee

of conference made a report, and after explanatory remarks by him and Mr. Buckalew, showing that on the vital point the House had assented to the position of the Senate, the report was concurred in.

On the 23d a message was received from the President of the United States, returning the bill with his objections to its becoming a law. The question was then taken on the passage of the bill notwithstanding the objections of the President, and resulted—Yeas 114, nays 25. On the same day the question was taken in the Senate by yeas and nays and resulted—Yeas 40, nays 7. Two-thirds of each house having passed the bill, it became a law, the objections of the President to the contrary notwithstanding.

## CHAPTER XIX.

### GOVERNMENT AND RESTORATION OF REBEL STATES.

Mr. Wilson's Bill.—Mr. Edmunds' Bill.—Mr. Frelinghuysen's Bill.—Mr. Trumbull reported bill from Judiciary Committee.—House.—Committee appointed on motion of Mr. Stevens.—Mr. Stevens' Bill. Mr. Wilson's amendment.—Mr. Benjamin's amendment.—Passage of the Bill.—Senate.—Bill reported by Mr. Trumbull.—Mr. Wilson's amendment.—Remarks of Mr. Conkling, Mr. Edmunds, Mr. Howe.—Mr. Wilson's amendment.—Remarks of Mr. Yates, Mr. Wilson, Mr. Morrill, Mr. Howard.—Mr. Wilson's amendment.—Motion of Mr. Howe.—Mr. Drake's amendment.—Mr. Howard's amendment agreed to.—Passage of the Bill.—House.—Report of Mr. Stevens.—Remarks of Mr. Wood, Mr. Logan.—The Senate amendment concurred in.—President's Veto Message.—Remarks of Mr. Boutwell, Mr. Butler, Mr. Stevens.—Passage of the Bill over the Veto.

THE 40th Congress, like its predecessor, distrusted the faith and intentions of President Johnson. After passing the Bill amendatory of the act for the better government of the Rebel States, and to facilitate restoration, Congress resolved not to adjourn but to take a recess. It passed a concurrent Resolution to meet on the 3d of July, and authorized the presiding officers of the two Houses to adjourn to the first Monday of December, if a quorum did not assemble on that day. Having provided for the reassembling of Congress if the exigencies of the

country required it, that body took a recess on the 30th of March. The admirable workings of the reconstruction acts, indicated that there would be no meeting of Congress if those acts were in no way interfered with. But the construction put upon these acts by Attorney General Stansbury, created much anxiety and made the meeting of Congress in the opinion of loyal people North and South a necessity. At noon on the 3d of July Congress assembled, and having a quorum, proceeded to business.

Mr. Wilson of Massachusetts introduced a bill in addition to the act passed March 2d, 1867, to provide for the more efficient government of the rebel States, and the act supplementary thereto passed March 23d, 1867. It provided that all offices held under the authority of any of the pretended State governments should be declared vacated at the expiration of thirty days from the passage of the act, and that the commanding generals should be authorized to continue any persons, who might have been discharging the duties of such offices, or appoint other persons to perform the duties of such offices: That the boards of registration should have power to refuse to admit to register any persons who they might have just grounds to believe were seeking to evade the requirements of the laws, and they should have power to examine applicants for registration, and to receive testimony in regard to the qualifications of persons applying to be registered; and at

any time within twenty days after completion of registration they should be empowered, upon production of proof sufficient to satisfy themselves that the name of any person who had been registered had been fraudulently inserted upon the lists of registration, to erase the name of such person from the list.

Mr. Edmunds of Vermont introduced a bill in explanation of the act to provide for the more efficient government of the rebel States. It provided that the true intent and meaning of that act was, is and should be considered to be that the military authority of the United States in the rebel States was and is paramount to any civil government; that the commander of any district should have power, subject to the approval of the general of the armies of the United States, to suspend or remove from office any officer or person holding any civil or military office, and should fill their places by detail of some competent officer or soldier of the army; that the general of the army should be invested with all powers of suspension, removal and appointment granted to district commanders; that the acts of officers of the army in removing officers and appointing others should be ratified, confirmed and legalized.

Mr. Drake of Missouri introduced a bill consisting of twelve sections, further to provide for the reconstruction of the rebel States. This bill proposed to set aside the provisional governments and to author-

ize the commanding general of each military district to fill the vacated offices from persons who had never been engaged in insurrection against the government; that neither the commander-in-chief of the army nor any officer subordinate to him should have power to issue orders to the commanding generals of the districts, and that no district commander should be removed unless the Senate should first have advised and consented to such removal—that the time for registration might be extended to November, and that the State Constitutions, when formed, should provide that all elections should be by ballot; that every citizen of a State owed paramount allegiance to the United States; that such State should ever remain a member of the Union, and no law or ordinance of such State in contravention of the laws of the United States should have any binding force.

Mr. Frelinghuysen of New Jersey introduced a bill further supplementary to the act to provide for the more efficient government of the rebel States. This act provided that the act to which it was a supplement and the former supplement thereto, should be continued to authorize the officers assigned to the command of any military district to remove or suspend from office any person exercising any authority under any so-called State government, and to appoint another person instead, and it authorized the officer assigned to the command of any military district, to suspend or set

aside any action of any provisional State government, and it legalized all acts theretofore done by any officer.

On the 8th of July, Mr. Trumbull reported a bill from the Committee on the Judiciary, to give effect to an act entitled "An act to provide for the more efficient government of the rebel States," passed March second, eighteen hundred and sixty-seven. It declared the meaning of that act to be, to make the rebel provisional government subordinate to military authority: it authorized the commander of any district, subject to the approval of the General of the army, to suspend or remove persons from office, and to detail competent officers or soldiers of the army to perform the duties of such offices, legalized the acts of army officers in removals previously made, conferred upon the General of the army the power of suspension and removal, authorized the boards of registration to examine persons under oath touching their qualifications for registration, declared the true intent and meaning of the oath in the supplementary act to be to include all civil officers created by law for the administration of the general laws of a State, and authorized the district commanders to extend the time for registration to the first of October.

The House of Representatives on the 3d of July, on motion of Mr. Stevens, voted that a committee of nine should be appointed to inquire what further legislation if any was required respecting the recon-

struction acts. Mr. Stevens of Pennsylvania, Mr. Boutwell of Massachusetts, Mr. Bingham of Ohio, Mr. Farnsworth of Illinois, Mr. Hulburt of New York, Mr. Beaman of Michigan, Mr. Paine of Wisconsin, Mr. Pike of Maine, and Mr. Brooks of New York were appointed members of the committee. On the 8th of July, Mr. Stevens from the special committee on reconstruction, reported a bill supplementary to an act entitled "An act to provide for the more efficient government of the rebel States," and the act supplementary thereto. It declared the true intent and meaning of those acts, and provided that no district commander should be relieved unless with the advice and consent of the Senate, and the time for registration should be extended to the first of October. Amendments were suggested by Mr. Ashley of Ohio, Mr. Wilson of Iowa, Mr. Burr, Mr. Benjamin, and Mr. Raum. Mr. Wood of New York appealed to Mr. Stevens not to deprive the minority of all opportunity to discuss the bill. Mr. Brooks of New York expressed a desire to make a minority report, but consent was not granted. Mr. Chanler of New York said it was the painful duty of the minority on that floor to raise the continued voice of complaint against cold-hearted and party legislation. Their action had been step by step, by crooked and indirect paths to crawl crab-like half backward, half sideways over the whole subject, without advancing at all in the direction of reconstruction, but steadily advancing to the grand central point



of a centralized military despotism. He was followed by Mr. Munger of Ohio, in a speech upon the different races of men. He admitted the humanity of the negro ; that they were men, not monkeys, but denied the "brotherhood."

On the 9th the House resumed the consideration of the bill, and Mr. Brooks of New York made an elaborate speech in opposition to it. He charged that the Republican party was entering upon a new mission, into fresh crusades, not for the emancipation of four million blacks, but for the enslavement of eight millions of whites of their own kith, kin, color, and physical organization. He charged that the work to be completed by the bill was the complete annulment of the Federal Constitution, the end of what Garrison had begun twenty-four years ago in Faneuil Hall. There was no parallel in history for the bill but that of the infamous conduct of the Duke of Alva in Spain. "I deprecate," he said, "the passage of this bill in its effect upon the people of the southern country. Far better would it be for that land, from the Potomac to the Rio Grande, to be as it was one hundred and fifty years ago, a howling wilderness, than to be subjected to the amalgamation of races which you are proposing in this bill."

Mr. Brooks was followed by Mr. Wood of New York in opposition to the bill. He warned the majority to remember that precedents were now being established in a Government founded upon

popular opinion, liable to the impulses of the people, surging backward and forward from one extreme to the other, to remember that in a popular government where the people after all would control, the poisoned chalice might be returned to the lips of those who now presented it to the people of the South. "God forbid," exclaimed Mr. Wood, "that any party should succeed this one, who would follow their outrageous, inhuman, brutal and bloody example." Mr. Schenck moved to amend the bill so as to provide that all persons should be considered in the military and naval service as officers from the date of their being borne on their respective army and navy registers. Mr. Baker of Illinois moved that all the provisions of this act and of the acts to which it was supplementary, should be construed liberally, to the end that all the intents of those acts might be perfectly carried out. Amendments were suggested by Mr. Butler of Massachusetts and Mr. Coburn of Indiana.

Mr. Bingham of Ohio, in reply to Mr. Brooks, said: "The honorable gentleman has spoken eloquently of the ancient time; he has dwelt upon the dead past and forgotten the living present; he has spoken in classic phrase of Salamis and Plataea, of Marathon and Thermopylae, the glorious recollections of which he has garnered up and reproduced for our instruction, but he has forgotten, sadly forgotten, the imperishable memories dear to the thinking head and beating heart of the loyal mil-

ions of this land, which rise from the fields of Shiloh and Stone river, from Chickamauga and Kenesaw, from Antietam and Gettysburg. Ay, the gentleman can speak of the perished republics of pagan antiquity, of their trials and triumphs, but is forgetful of the grander, nobler, and more enduring triumphs of republican America, the living and we trust enduring hope of the world."

Mr. Eldridge of Wisconsin said: "This bill is at war with every principle that underlies this Government, and at war with every principle of civil liberty intended to be secured by our Constitution. It surrenders and destroys Magna Charta, whether American or British, and loads down the Anglo-Saxon with a load of chains and oppressions that no Anglo-Saxon can bear without dishonor, without disgrace. It makes a continuous war upon a people who have been overthrown and disarmed, and holds them in the grasp of military power in time of peace, without right, without justice, and in a manner never resorted to, except for purposes of punishment to harass and distress an enemy."

Mr. Eldridge denounced General Sheridan as the "harlequin" of the Louisiana department, proclaimed his letter to General Grant, in which that officer declared that the Attorney General's interpretation of the reconstruction acts would open a broad macadamized road for perjury and fraud to travel on, to be an act of insubordination that must forever disgrace its author, and unless apologized

for, should banish him from the military service at once and forever." Debate upon the bill was then closed by Mr. Stevens. Mr. Wilson of Iowa moved to so amend the bill that any person or persons who should prevent or attempt to prevent the execution of this act or of either of the acts to which this act was supplementary, should be deemed guilty of a misdemeanor, and the amendment was agreed to. It was then moved by Mr. Benjamin of Wisconsin that the bill be so amended as to declare that the right of any person to be registered as a legal voter should in no respect be changed by any pardon granted by the President of the United States to such person for participation in rebellion, and the amendment was agreed to. The bill was then passed. —Yeas 119, nays 31.

The Senate on the 9th proceeded to the consideration of the bill reported by the Judiciary Committee, and Mr. Trumbull, chairman of that committee, proceeded to address the Senate in an elaborate speech in explanation of its provisions. He said the necessity for legislation grew out of what was conceived to be a misconstruction of the reconstruction acts. Properly interpreted and carried out in the spirit in which they were conceived, it was believed that no additional legislation would have been necessary. He examined and replied to the opinions of the Attorney General, and closed by declaring his belief that the Constitution conferred upon the Government all the powers neces-

sary to be exercised for its preservation, and that it conferred no power more clearly than that to make war, put down insurrection and rebellion, and govern rebels who had destroyed all civil authority in a State through the military power, until sufficient time should be given to re-establish a civil government loyal to the Union. Mr. Wilson moved to strike out the second section of the bill reported by the Judiciary Committee, and insert a section providing that all offices held under the pretended authority of any of the rebel State governments, should be declared vacant at the expiration of thirty days from the passage of the act; and the commanding generals of the military districts should be authorized to continue in office any person who, before the expiration of the said thirty days, might have been discharging the duties of such office, or might appoint other persons to perform the duties of any of the offices.

"I had hoped," said Mr. Wilson, "that when we came together we would do what we ought to have done a long while ago—vacate the offices in these rebel States. I think the great mistake of the President was in allowing the offices in these States to pass into the hands of disloyal men. The effects have been most disastrous to the country."

He said the reconstruction acts had been of incalculable benefit to the loyal men of the South, but those loyal men demanded, and they had a right to demand, that the offices should not be filled

by men hostile to the policy of reconstruction. He would turn out the fifteen thousand office-holders in the South, and would put the true friends of the country in their places. Mr. Wilson objected to the provision of the bill requiring officers to be detailed to perform the duties of persons who might be removed, as there were loyal men in the south competent to fill those offices, and the government had not army officers to detail. Mr. Conkling and Mr. Edmunds, members of the Judiciary Committee, questioned the power of the government to authorize the military commanders to appoint civilians. Mr. Wilson said that the bill legalized the civil appointments already made by the military commanders, and if it had power to legalize such appointments, it must surely have the power to authorize such appointments to be made. Mr. Trumbull said the Committee on the Judiciary did not feel at liberty to depart from the original reconstruction measure. Mr. Frelinghuysen thought it would be a disturbing revolutionary movement, at that crisis at the South, to make a general and sweeping removal of fifteen thousand officers. The proposition to vacate those offices, when the original bill was under consideration, was made by Mr. Wilson and voted down.

Mr. Howe of Wisconsin rose, he said, "mainly to remonstrate against the attempt to deny the authority of Congress to do what we are invoked to do by the amendment offered by the Senator from

Massachusetts, because when you have established the fact that we cannot do that, I am as firmly convinced as I am of anything that we cannot do anything which we are asked to do in the bill reported here by the Judiciary Committee."

Mr. Drake thought it was the higher officers in the rebel States that were doing mischief, and he was in favor of their removal, but he did not think it expedient to remove all the officers, and he should therefore vote against the amendment. Mr. Buckalew referred to the fact that the Senate rejected Mr. Wilson's amendment vacating the offices in the rebel States, as one of a series of facts that might be cited to prove that at the time the original bill was passed it was not intended that the five military commanders should assume the imperial power of displacing officers and of substituting appointees of their own. The vote was then taken on Mr. Wilson's amendment, and it was rejected.—Yeas 11, nays 21. By the second section of the bill, military commanders were authorized to suspend or remove civil officers and to detail officers or soldiers of the army to fill their places. Mr. Wilson moved to amend the bill by authorizing the commanders to appoint other persons to perform the duties of the persons removed. Mr. Edmunds opposed the amendment. He said that the government which had been deliberately adopted in those regions was the government of the sword; the just and righteous government of the sword until peace should have

time to heal the disrupted condition of society there, and he thought it indispensable that the agencies should be of the military power. The army governed, and when the army governed it must govern by its own agencies and by its own officers or soldiers.

The amendment was briefly advocated by Mr. Yates of Illinois. "I am," he said, "for employing the right men to do the right thing. When we wish to do a military act, when we wish to fight battles, when we wish to carry our banner over the field of contest in war, or to do any other military duty, I want a military man to do it; but when the duties of civil offices are to be discharged, I want any man who is competent, whether he be a civilian or a military man. All over the South there are loyal men, men who have been true to the Government, civilians of great distinction, men who are fully equal to these duties, as has been stated by the honorable Senator from Massachusetts. I want such men appointed to discharge them."

Mr. Wilson said that the position taken by Mr. Edmunds, if acted on by Congress, would plainly say to the country that General Pope and General Sheridan had acted without authority; had exercised a power they did not possess, and a power that Congress declined to authorize them to exercise thereafter. Mr. Edmunds and Mr. Conkling spoke in opposition to the amendment. Mr. Morrill of Maine said that if he understood the bill it



went upon the theory that the State governments were absolutely overthrown, and he thought the authority the Government exercised there might be purely military or military and civil. The bill authorized the military government to exercise its functions through the employment of civil agents, and if the military power could employ civil agents who happened to be in office, it could remove those agents and appoint others.

On the 10th, Mr. Howard resumed the debate. He said that "the President, suddenly elevated to his high position by the assassination of the President elected by the people, acting under the influence of bad principles and bad advice, and seizing upon a most critical state of affairs produced by the surrender of the rebel armies, took upon himself the task of State-maker for the ten rebellious States, now devoid of all State rights and privileges, and, as he himself had often declared, lying so many heaps of shapeless political ruins. He assumed, of his own will and pleasure, without any act of Congress, and in utter derogation of their constitutional powers and duties, to grant to those populations not merely that military protection which by the law of nations and war is an incident to military occupation of an enemy's country, but political rights and powers as States; to clothe them with legislative authority, with administrative and judicial functions, and the additional right of electing Senators and Representatives to Congress."

Mr. Howard reviewed and controverted the opinion of the attorney general, which, he said, "utterly ignores and casts out of view the legal consequences of the triumph of our arms, and undertakes to construe a statute passed in full recognition of those consequences as if there had been no rebellion, no fighting, no victories on our side, no surrender on that of the rebels. The bloody history of the past and our own legislation correct him; the almost countless gravestones of our slaughtered countrymen correct him; the weeds of widowed mothers, the tears of orphaned children, the crutch of the crippled soldier rattling on almost every northern as well as southern floor, the heavy weight of taxation upon every branch of human industry, correct him and rebuke his blindness." The vote was then taken on Mr. Wilson's amendment to authorize the district commanders to appoint civilians to perform the duties of persons removed from office, and it was agreed to,—Yeas 20, nays 15.

It was then moved by Mr. Drake to amend the sixth section of the bill by providing that any person holding an office who should engage in insurrection, or rebellion, should not be entitled to registration. He wished to get rid of a construction that might be put upon the section as it now stood. It was open to the construction that it only included the persons who engaged in insurrection after having held office. He wanted to make it certain that it

included persons who engaged in rebellion while holding office.

Mr. Trumbull thought the amendment might lead to confusion and extend the act beyond what was originally contemplated. It might embrace a person holding office under the rebel government. It was not the intention of the original act to disfranchise any but those who held office prior to the rebellion. He thought if the amendment was adopted it might be construed to include persons who held office after the State went into rebellion. Mr. Sumner inquired if there could be an objection to that. Mr. Trumbull replied that that would be extending the original act. Mr. Johnson of Maryland thought the effect of the amendment, although that was not said to be its purpose, would be to exclude from the right of voting all persons who had acted in any efficient capacity in the rebel States during the rebellion. He hoped that if any change was made in the law, it would not enlarge the class prohibited from exercising the right of franchise.

Mr. Wilson said that if the amendment meant to comprehend persons who held office under the States during the rebellion, he did not think it wise to add to the list of persons excluded. He expressed the opinion that seven of the rebel States would send men to Congress, who on all questions concerning the Union of the country, the maintenance of the authority of the government and of the equal rights of all men of all races, would speak, write and vote right.

"These rebel States," said Mr. Wilson, "are to be radical, progressive States, devoted to unity, liberty, justice, education, development. I venture to put upon the records of the Senate the prediction that two-thirds of the Senators and Representatives of those States will be as radical Republicans as are the Republican Senators and Representatives of New England."

Mr. Howard was in favor of the amendment. Mr. Johnson moved to amend Mr. Drake's amendment so as to confine the meaning of the amendment to those persons who held office at the time of the rebellion or had held it before, and the amendment to the amendment was agreed to. The question was further debated by Mr. Trumbull and Mr. Howard, and Mr. Drake's amendment as amended was then agreed to.

Mr. Howard then moved to amend the bill so that the act of voting for an ordinance of secession at a popular election, or holding or exercising the functions of a justice of the peace, notary public, trustee, officer, or agent of any institution of learning, commissioner of banks, railroads, canals, roads and bridges or highways, trustee of churches, religious associations or schools, minister, priest, or other person vested with the authority to solemnize marriage, State commissioner or agent for taking acknowledgments of deeds, conveyances, depositions, or affidavits, should not disqualify any person for registration. The amendment was opposed by Mr.

Pomeroy, Mr. Sumner, Mr. Tipton and Mr. Nye. "The man," said Mr. Nye, "who pulled the trigger of the musket is an infant in crime compared to those who controlled him and made him do it."

The Senate on the 11th, resumed the consideration of the bill, and Mr. Howard withdrew his amendment. It was then moved by Mr. Howe that any person theretofore appointed by any district commander to exercise the functions of any civil officer, might be removed, the same as though such appointment had not been legalized and confirmed by the act. At the suggestion of Mr. Edmunds, it was so modified as to apply to persons thereafter appointed. Amendments were then moved by Mr. Drake and Mr. Buckalew, which after debate, were ruled out of order, and the ruling was sustained in each case by the Senate. Mr. Buckalew then delivered a carefully prepared and elaborate speech on the mode of exercising the right of suffrage so as to secure the representation of minorities, a subject to which he had given much attention. Mr. Sumner then moved to amend the bill so as to provide that the legislatures of the rebel States should establish a system of public schools, open to all without distinction of race or color. Mr. Sumner spoke briefly but eloquently in favor of the proposition. Mr. Wilson said that the people of all parties in the South were for a system of common schools. There was nothing so strong in the Southern country, as the proposition to establish schools.

He had not the shadow of a doubt that every one of those States would incorporate such a provision in its constitution. They might just as well require those States to plant corn or cotton as a condition of admission, as to require them to establish schools for the benefit of all. Mr. Trumbull raised a point of order, and the amendment was ruled out of order. It was then moved by Mr. Sumner to amend the bill so as to provide that no person should be disqualified as a member of a board of registration on account of color or race. Mr. Sumner said he had been informed that no colored men had been appointed in the board of registration in the State of Virginia. Mr. Conkling thought there could be no doubt about the law; as it then stood, black men were eligible. Mr. Sumner thought the adoption of the proviso would be most efficacious with all the Generals without adding any penalty. Should they exclude persons on account of color, it would be a violation of law; there would be no votes of thanks for them, no hope of golden spurs. Mr. Conkling said if it gave any additional strength to the bill, if it tended in any degree to accomplish the purpose Mr. Sumner had in view, he should vote for it, but he did not wish to vote for an amendment which carried nothing with it, but encumbered the bill with unnecessary and verbose conditions.

Mr. Wilson said that General Schofield made his appointments very early; that he regretted to learn that no colored men had been placed upon the

boards of registration. He thought General Schofield was disposed to do what was fair and just, General Sheridan had made his appointments early, and no colored men had been placed on the boards of registration, until recently to fill vacancies. General Pope had put one colored man on each board, and he believed General Sickles would do the same when he made his appointments. The amendment was not mandatory. It compelled nothing, but it would be an expression of the feeling of Congress to put it in the bill. The vote was then taken on the amendment and it was rejected;—Yeas 18, nays 18. Mr. Sumner then moved that there should be no election of State or national officers under any new constitution until the same had been approved by Congress. The amendment was rejected. The bill was then amended on motion of Mr. Sumner, so as to declare that the provisions of the bill should be liberally construed in order that the full intent and meaning thereof should be completely carried out. It was then moved by Mr. Sumner, that for the purpose of carrying out the act, all persons should be considered in the military or naval service from the date of their being borne on the army or navy registers, but the amendment was rejected.—Yeas 13, nays 21. Mr. Sumner then moved that any person who should prevent or attempt to prevent the execution of the reconstruction acts, should be deemed guilty of a misdemeanor, and be punished by fine

or imprisonment. The amendment was briefly opposed by Mr. Trumbull and Mr. Edmunds, and rejected.—Yeas 13, nays 24. It was then moved by Mr. Howard to so amend the bill as to require the register to make a note or memorandum which should be sent to the commanding general, setting forth the grounds of refusal to register an applicant, or striking his name from the list. The amendment was agreed to.—Yeas 20, nays 11. Mr. Davis of Kentucky then addressed the Senate at great length in opposition to the bill.

The bill was then reported from the Committee of the whole to the Senate, and the amendments concurred in, with the exception of Mr. Wilson's amendment to authorize the district commanders to appoint civilians to office, upon which Mr. Buckalew demanded a separate vote. The amendment was briefly opposed by Mr. Buckalew and advocated by Mr. Wilson, and was adopted without a division. Mr. Sumner then renewed his amendment providing that no person should be disqualified as a member of any board of registration on account of color or race, and it was agreed to.—Yeas 21, nays 8. On motion of Mr. Trumbull the Senate took up the amendatory reconstruction bill passed by the House of Representatives on the 9th, and Mr. Trumbull moved to amend the House bill by striking out all after the enacting clause and inserting the Senate bill. The amendment was agreed to without a division. Mr. Buckalew then



addressed the Senate in opposition to the passage of the bill, and the question having been taken, the bill was passed.—Yeas 32, nays 6.

In the House on the 12th, Mr. Stevens of Pennsylvania, from the Committee on Reconstruction, reported the Senate amendment to the House bill with several amendments. Mr. Wood of New York hoped the bill would be recommitted to the committee on reconstruction, and that the committee would carefully examine the phraseology of the proposed act, weighing well the differences between the bill and the bill of the Senate. The bill of the Senate contained fewer sections, and was clothed in less ambiguous language. There was no attempt in that bill to override entirely the authority of the Supreme Court. He regretted that the reconstruction committee had not reported to the House the bill as it came from the Senate. Mr. Robinson of New York spoke in opposition to the passage of the bill. He declared that the lower the South had bent the knee, the more intolerable had become the terms of pardon, till conditions were exacted which none but bullies would demand or cravens yield.

“For the knee that is forced had been better unbent.”

Mr. Robinson was followed by Mr. Logan of Illinois. “The Democrats,” said Mr. Logan, “seem to have forgotten the scenes and events that mark the historical epoch through which we have so recently passed, and they seem to have totally forgotten that these pet southern brethren of theirs, when they

did occupy seats on this floor, gave us practical illustrations of dignity in debate that made of this Hall a 'bear garden,' and much more attractive to lovers of gladiatorial sports and patrons of the 'fancy' than they could have been to the wise, prudent, sedate, and good citizen; when bowie-knives bristled from their breasts, revolvers filled all their pockets, and clubs were substituted among them for canes; when they spoke to a northern legislator in these Halls with a scowl on their brows, threats on their lips, and fingers on triggers. It is true, we have blotted out for them eternally and forever the charming institution under the peculiar influences of which they imbibed these dogmatical and insolent airs; but if, when it was in full blast, they could not remember that the style of manners that might do to drive a gang of slaves would not answer to persuade a congressional peer, it is not at all probable that time enough has yet elapsed for the fact to appear in their manners that they fully and properly realize the fact in all its moral and political sublimity, that they are not somebody's master yet, and may again subject us to their old style of argument, so peculiarly southern."

The several amendments reported by the committee on reconstruction, and the amendments moved by Mr. Farnsworth, Mr. Boutwell, Mr. Schenck, and Mr. Wilson of Iowa, were agreed to. The question then recurring on the amendment of the Senate as amended, Mr. Holman of Indiana de-

manded the yeas and nays, and they were ordered. The Senate amendment as amended by the House was then concurred in.—Yeas 113, nays 32.

The Senate on the same day, on motion of Mr. Trumbull, proceeded to the consideration of the House amendments. Mr. Trumbull said there were eight or ten amendments of the House; some of them the Senate could never agree to, and there were other amendments the Senate would probably agree to. There were two courses, one was to send the bill to the judiciary committee to examine and report—the other was to disagree to all the House amendments, and ask a committee of conference. He proposed to send the amendments to the judiciary committee. Mr. Wilson hoped they would not be so referred; he thought the Senate would concur in nearly all the House amendments. He hoped the Senate would proceed to act on the amendments, concur in such of them as they could, and send the others back to the House; the House might recede; if not, it could ask a committee of conference. Mr. Edmunds would pursue the usual and straightforward course of disagreeing to the amendments and having a committee of conference. Mr. Sumner would bring all the amendments before the Senate, but if Senators were not disposed to take that course he would refer them to one of the Senate committees. Mr. Frelinghuysen, Mr. Anthony, Mr. Grimes, Mr. Henderson and Mr. Conkling would disagree to the amendments and let them go to a

committee of conference. Mr. Hendricks protested against the reference to a committee of conference. He thought the amendments ought to be considered in open Senate. He did not propose that the fate of ten States should be submitted to three Senators and three Representatives. The Senate, on motion of Mr. Edmunds, non-concurred in the House amendments and asked a committee of conference. Mr. Trumbull, Mr. Edmunds and Mr. Hendricks were appointed conferees on the part of the Senate. The House concurred in the appointment of a conference committee, and Mr. Stevens, Mr. Boutwell and Mr. Holman were appointed conferees on the part of the House.

On the 13th, Mr. Stevens submitted to the House the report of the committee of conference. Mr. Stevens said the committee had retained the principal provisions of the House bill. The section in regard to penalties for preventing the execution of the reconstruction acts, and the provision prohibiting the removal of district commanders without the consent of the Senate, had been given up. Mr. Stevens begged the House to consider that the Senate was several furlongs behind the House in the march of reform, but they were coming up sidelong—they had not got square up. Mr. Holman explained that he regarded the conclusions reached by the committee of conference as preferable to the proposition of either House, and he had therefore signed the report, although he was opposed to

the bill. The report of the committee was then agreed to.—Yeas 112, nays 22.

On the same day in the Senate, Mr. Trumbull reported the action of the committee of conference. Mr. Trumbull said the conferees had endeavored to carry out the ideas of the Senate, and he thought they had substantially done so. They had preserved the bill as it passed the Senate, and no new features had been incorporated into it, materially affecting the bill as it passed the Senate. Mr. Sumner thought under the military bills we should go forward and brush away all rebel governments in the South. Those governments were centres of rebel influence; they stood in the way of reconstruction, and prevented the beneficial operation of the legislation of Congress. He recorded his regret that Congress had declined to enter upon that path. Mr. Hendricks explained his reasons for signing the report. Mr. Wilson thought if the law should be carried out on the part of the Executive, the Senator from Indiana would never regret that he had signed the report of the committee of conference. The passage of the bill would complete the work of restoration. "I rise now," said Mr. Wilson, "to express the hope that throughout that part of our country men of all parties and of all sentiments and feelings will clearly understand that, if they comply with the terms and conditions of these three reconstruction laws honestly and faithfully, all obstacles will be removed, and they will

be admitted into these Chambers. Let it be distinctly understood by all that these laws are passed by Congress to restore the rebel States and people to their practical relations; that if they comply with the conditions prescribed, Congress will redeem its pledge."

Mr. Fowler was not satisfied with the bill, for it did not go to the bottom of the subject, but he should vote for the report of the committee. Mr. Johnson avowed his purpose to vote for the report of the committee, and sincerely hoped that it would be the last occasion, when in the judgment of any member of Congress, it would be deemed necessary to legislate on the subject. Mr. Buckalew expressed his surprise at the character of the report of the committee of conference, as he had no expectation that the committee would have been able to obtain from the House committee so many concessions to the opinions of the Senate. Mr. Cameron of Pennsylvania desired the restoration of the Union, but he wanted the people who had been in rebellion to realize that they had done wrong. They had been rebels to the government, they had tried to destroy it, and they had no right to expect the clemency with which Congress had treated them. Mr. Davis of Kentucky conceded that the crimes of the people of the South had been very great, but he denied that the crimes of any portion of the people could increase the powers of Congress. He believed that consistency and principle and the highest sense

of duty required him and every man who believed that the original measure was unconstitutional, to vote against that measure. The report of the committee was then agreed to.—Yeas 31, nays 6.

In the House on the 19th, the President's message was received and read, giving his reasons for withholding his signature to the bill. Mr. Boutwell of Massachusetts declared that the language of the message convinced him that it was vain to seek by legislation to protect the freedmen of the South, to institute loyal governments in that region, or to infuse justice into the public policy of ten States, while the Executive authority of the country was in the hands of Mr. Johnson.

Mr. Boutwell was followed by Mr. Butler of Massachusetts, in a sharp and searching criticism of the veto message. Mr. Butler said: "I am ready for one to vote this bill shall become a law, notwithstanding the objections of the President, and leave the President to determine whether he will execute it or refuse to do so, as he threatens; and then see whether the House of Representatives will bring him, for this and his former violations of the Constitution and usurpation of power, before the Senate for trial according to the mode and the only mode pointed out by the Constitution to relieve the country of a bad and unscrupulous ruler."

Mr. Boyer of Pennsylvania was sure that the speeches of Mr. Boutwell and Mr. Butler, when read by the people of the country, would be convincing

proof of the desperate attempt to grasp at any excuse for the purpose of removing the last obstacle to the progress of the radical majority towards the complete subversion of the Constitution of the country, and the perfection and intrenchment of despotism, not only in ten States of the Union, but throughout them all. Mr. Williams of Pennsylvania said, "there is a time when forbearance ceases to be a virtue; there is a time when timid counsels which betray like treason, must cease to govern the legislative assembly of this nation. I think this time has now arrived. For the first time in our history the chief Executive Magistrate of this nation strides into its great council chamber, and flings his mace in the way of defiance at our very feet." Mr. Schenck said that the President stood as an obstruction in the pathway which the law-making power of this country seeks to pursue in order to restore peace to an entire and unbroken Union.

"One page of Grotius," said Mr. Stevens, "one half-chapter or lecture of Rutherford, one page of Vattel, and even less from that last, best, and tersest of publicists, Sargent Wildman, must convince every man who will give up his prejudice in regard to the States being of a mongrel character, part in and part out of the Union, that they are conquered territory of the United States."

Mr. Pruyn of New York said that the President appealed to the ballot-box, and he asked if Mr. Boutwell was afraid of that. He said that a part



of that gentleman's speech would have been very proper in a political electioneering contest; a part of it would have suited an era of the French revolution; but it did not befit the temper of the times, if there was left any respect for the principles of constitutional liberty. Mr. Wilson of Iowa, chairman of the Judiciary Committee, said that when the House of Representatives charged the committee with investigation into the conduct of the President, he did not understand that it was for the purpose of having it disposed of as a partisan question. "I will," said Mr. Wilson, "be controlled by the law and the facts, and by nothing else." The question was then taken on the passage of the bill, notwithstanding the objections of the President.—Yeas 108, nays 25. The Speaker then announced that two-thirds having voted in the affirmative, the bill had again passed, and would be transmitted to the Senate.

In the Senate, the President's message vetoing the bill was read, and Mr. Trumbull remarked that the indefensible position assumed in the message might well call for a reply, but he should forego any remarks if it was the pleasure of the Senate to take the vote at that time. The question was then taken, and the bill passed, notwithstanding the objections of the President.—Yeas 30, nays 6. The President of the Senate then announced that two-thirds of the Senators present having voted for the bill, it had become a law, notwithstanding the veto of the President.

## CHAPTER XX.

### DISBANDMENT OF REBEL MILITIA.—ABOLITION OF WHIPPING AND PEONAGE.

Mr. Wilson's Joint Resolution to disband rebel Militia.—Remarks of Mr. Buckalew, Mr. Wilson, Mr. Lane.—Mr. Hendrick's motion to strike out, agreed to.—Remarks of Mr. Fessenden, Mr. Wilson, Mr. Hendricks, Mr. Willey.—Subject incorporated with Appropriation Bill.—Passage of the Bill.—Concurrence of the House.—Mr. Wilson's Joint Resolution to abolish corporeal punishment.—Reported from Judiciary Committee.—General Sickles' order revoked by the President.—The subject reported from Military Committee in a Bill to increase pay of Army Officers.—Motion of Mr. Hendricks to strike out, agreed to.—Inserted as an amendment to appropriation bill and passed.—Mr. Wilson's Bill to strike out the word "white" from the Militia Laws.—Its passage.—Mr. Sumner's Resolution respecting Peonage.—Mr. Wilson's Bill.—Remarks of Mr. Davis, Mr. Lane, Mr. Doolittle and Mr. Buckalew.—Passage of the Bill.—Proclamation of the Governor of New Mexico.

In the Senate, on the 19th of February, 1866, Mr. Wilson introduced a Joint Resolution providing that the militia forces organized or in service in Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Louisiana, Mississippi, Arkansas and Texas, should be forthwith disbanded, and that the further organization, arming or calling into service of the militia forces in those States should be prohibited until authorized by Congress. The resolution was

referred to the Committee on Military Affairs and reported by Mr. Wilson on the 1st day of March, without amendment. No action having been taken upon the resolution, it was incorporated into the bill for the temporary increase of the pay of the officers of the army, which was taken up at the next session. On the 19th of February, it was taken up for consideration, and Mr. Buckalew of Pennsylvania desired some explanation of the provision disbanding the militia forces in the rebel States. Mr. Wilson replied, that military organizations had been made in some of the States; that these organizations were generally officered by men who had distinguished themselves in the rebellion; that some of them wore the gray and did not carry the flag. Mr. Buckalew had heard no sufficient reason for the enactment of this general, sweeping provision for the disbandment of the military forces in the rebel States. Mr. Lane of Indiana thought these local militia organizations were not in harmony with the government or the union sentiment of the country, or likely to promote peace. At the suggestion of Mr. Hendricks, the section was stricken out of the bill. On the 26th, Mr. Wilson moved to amend the army appropriation bill by inserting the provision for the disbandment of militia forces in the States lately in rebellion. Mr. Fessenden desired an explanation why the amendment should be put upon the appropriation bill. Mr. Wilson stated that these organizations had been used in some parts of the country

to disarm portions of the people. Those organizations were completely rebel, in the men composing them and in the spirit by which they were animated. Mr. Willey would be willing to favor discriminating legislation to regulate the use of arms by the people of the South, but he was opposed to so sweeping an enactment. Mr. Hendricks thought that the measure was one of great importance and that it ought to be presented as a distinct and separate bill, and not proposed as an amendment to an appropriation bill. Mr. Wilson replied that it was reported in the army bill and stricken out on the suggestion of the Senator from Indiana. He was forced to yield then, but would not yield now, as he did not mean that the rebels should be armed. It was further debated by Mr. Hendricks, Mr. Willey, Mr. Wilson and Mr. Lane, and agreed to;—Yeas 33, nays 11. The House concurred and it became a law.

In the Senate, on the 20th of December, 1866, Mr. Wilson introduced a Joint Resolution authorizing the President to prevent the infliction of corporeal punishment in the States lately in rebellion. It declared that the practice of inflicting corporeal punishment for offences against laws was barbarous in character and degrading in influence, and that the freedmen in their helplessness were liable to be subjected to that degrading punishment; and that the President be authorized and instructed to direct the officers of the army and navy and of the Freed-

men's Bureau to prevent the infliction of such punishments. The resolution was referred to the Committee on the Judiciary, and reported by Mr. Trumbull on the 7th day of February in a new draft. General Sickles commanding the department of North and South Carolina had issued an order prohibiting whipping as a punishment for offences against the laws. The President on the representation of some of the civil officers of those States had revoked the order. The object of the resolution was to put an end to a mode of punishment barbarizing in its tendencies and which was especially oppressive to the freedmen.

On the 12th day of February, 1867, Mr. Wilson reported from the Committee on Military Affairs a bill to temporarily increase the pay of the officers of the army, the eleventh section of which provided that whipping should be prohibited in the States lately in rebellion. Pending the consideration of the bill, on the 19th of February, Mr. Hendricks of Indiana proposed to strike out that section, and it was so stricken out; but on the 26th of February, it was inserted in the army appropriation bill, was concurred in by the House and became the law of the land.

On the 12th of February, 1867, Mr. Wilson from the Committee on Military Affairs, reported the bill to provide for the temporary increase of the pay of the officers of the army. It was provided in the bill that the act, "more effectually to provide for the

national defence by establishing a uniform militia throughout the United States," approved May 8, 1792, and the acts amendatory thereof, be amended by striking out the word "white." The bill passed and the word "white" was stricken from the militia laws, so that colored persons become a part of the militia of the United States.

In the Senate on the 3d of January, 1867, Mr. Sumner submitted a resolution that the Committee on the Judiciary be directed to consider if any legislation was needed to prevent the system of peonage in New Mexico, and to prohibit the employment of the army in surrendering persons claimed as peons. After debate in which Mr. Sumner, Mr. Conness, and Mr. Trumbull participated, the resolution was referred to the Committee on Military Affairs.

On the 26th of January, Mr. Wilson of Massachusetts introduced a bill to abolish and forever prohibit the system of peonage in the Territory of New Mexico and other parts of the United States, which was referred to the Committee on Military Affairs, and on the 28th, reported from the committee by Mr. Wilson with an amendment. On the 19th of February, the Senate proceeded to the consideration of the bill, and on motion of Mr. Wilson, all after the enacting clause was stricken out, and a substitute proposed, providing that the holding of any person in peonage should be abolished, and any laws or usages of the Territory of New Mexico or of any other Territory or State which had estab-

lished, or by which any attempt should be made to establish the service or labor of any persons as peons, should be null and void, and any person who should hold, arrest or return, or cause or aid in the arrest or return of any person as a peon, should be fined not less than \$1000 nor more than \$5000, and by imprisonment not less than one, nor more than five years, at the discretion of the court; that it should be the duty of all persons in the military or civil service in New Mexico, to aid in the enforcement of the act, and any persons who should obstruct or interfere with its enforcement should be liable to said penalties; and any officer or other person in the military service, who should so offend should be dismissed the service and be ineligible to reappointment to office.

Mr. Davis of Kentucky desired that a comprehensive definition of the term "peonage," should be given for the information of the Senate. Mr. Wilson said it was a system of modified servitude inherited from Mexico. The system had been of the most wretched and degrading character and it was supposed that nearly two thousand Indians were held in that condition in New Mexico. The object of the bill was to make it the duty of the civil and military officers of the United States, to put an end to it. Mr. Lane of Indiana said that peonage was established by the laws of Mexico, which existed in New Mexico at the time of the conquest. The system was that where a Mexican owed a debt his

creditor had a right to his labor until the debt was paid. The debtor became a domestic servant and he and his family were supported by the creditor and the peonage never ended until the debt was paid. It was a kind of servitude for debt which was inconsistent with our institutions. Mr. Davis suggested the postponement of the bill until after the 4th of March. Mr. Doolittle said it was a system of serfdom, and that there were about two thousand persons held in that condition; they were in the employment of wealthy persons owning lands, and they lived upon them and cultivated them as serfs. Mr. Buckalew said that there was no doubt of our jurisdiction to enact such a law. He had some knowledge of the system and thought the necessity for the law was evident. Eventually the courts would weed out the system effectually, but it would remain there a considerable time unless Congress should interpose. Upon the publication of such a law, the whole system would fall to the ground. He thought it a disgrace that it should be permitted where the power of the Government could extend. In practice it was not a system of service for payment of a debt in view of which the servitude commenced. The almost invariable fact was that the peon continued accumulating debt, the terms of which were always unfavorable to him, and for a nominal consideration he was continued in service during his lifetime. It was a system which degraded both the owner of



the labor and the laborer, and the sooner it was terminated the better.

The vote was then taken and the bill passed without a division. On the 2d of March, it passed the House, received the signature of the President, and the Governor of New Mexico issued a proclamation directing the officers of the Territory to enforce its provisions.

